THE CENTRAL PROVINCES LAND-REVENUE ACT, 1881 (XVIII OF 1881).

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SCHEDULE—[*Repealed.*]

(*Part I, Chapter I.—Preliminary.*)

ACT No. XVIII OF 1881.[1]

[THE CENTRAL PROVINCES LAND-REVENUE ACT, 1881.]

[*8th June 1881.*]

An Act to consolidate and amend the law relating to land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows :—

PART I.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Central Provinces Land-revenue Act, 1881.

Local extent.

It extends to all the territories [2][* * *] under the administration of the Chief Commissioner of the Central Provinces * * *[3];

Commencement.

and it shall come into force on such day [4]as the Chief Commissioner, with the previous sanction of the Governor-General in Council, may direct by notification in the local official Gazette.

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1830, Pt. V, p. 263; for Proceedings in Council, *see ibid.*, Supplement, pp. 1148 and 1302, and *ibid.*, 1881, Supplement, pp. 647 and 669.

The Act, with certain modifications, is in force in the taluqs of Nugur, Albaka and Cherla which ceased to be under the administration of the Chief Commissioner of the Central Provinces and became subject to the Government of Madras in pursuance of Proclamation No. 545, dated the 15th April 1909, issued by the Governor-General in Council under s. 4 of the Government of India Act, 1865, with effect from the first day of July 1909—*see* Regulation I of 1909, s. 3.

[2] The words "for the time being" were omitted by the Adaptation Order of 1937.

[3] The words and figures "except those specified in Pt. VI of the first schedule of the Scheduled Districts Act, 1874" (Central Act XIV of 1874), were repealed by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 3.

[4] The 4th November 1881, *see* Central Provinces Gazette, 1881, Pt. II, p. 176.

(*Part I, Chapter I.—Preliminary.*)

2. [*Enactments repealed.*] *Rep., Central Act XII of* 1891.

3. [*Pending proceedings.*] *Rep., Central Act XII of* 1891.

4. In this Act, unless there is something repugnant in the subject or context,— Interpretation clause.

(1) "Assistant Commissioner" includes also "Extra Assistant Commissioner".

(2) "legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader, mukhtar or revenue-agent.

(3) "village-cess" means any cess which a person resident or holding lands in a village pays or renders to the proprietors as such of the village, [1][or to their transferees or assignees as such or to the patel], and includes service rendered or things furnished as well as money paid:

(4) "recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in such proceeding and also belonging to any class which the [2][State Government] may, from time to time, by notification in the official Gazette, declare in this behalf.

(5) "agricultural year" means the year commencing on the first day of June, or on such other date as the [2][State Government] may, in the case of any specified district or districts, from time to time appoint:

[3](6) * * * *

[4][(6-*a*) "survey-number" means a local area held by or intended to be settled with, a raiyat under a separate assessment of land-revenue in a village or estate which is the property of the Government.]

(7) "mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared,

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[1] These words were inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 4.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] Cl. (6), which was substituted for the original clause by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 5, was repealed by s. 2 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898).

[4] Cl. (6-*a*) was inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 6.

under the provisions of this Act, to be a mahál [1][but does not include a survey number :]

(8) " village " includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the [2][State Government] may, from time to time, declare to be a village for the purposes of this Act :

[3][(8-*a*) " proprietor", except in section 4, clause (*b*), and in sections 61, 62, 63 and 69, includes a gaontia of a Government village in the Sambalpur district :]

(9) " malguzár " means a person who, under the provisions of this Act, has accepted, or is to be deemed to have accepted, the assessment of a mahál, and includes his representatives and assigns, and also any person with whom a settlement has been made before this Act comes into force, and his representatives and assigns :

[4][(10) " málik-makbuzá " means any person owning one or more plots of land separately assessed with revenue in a mahál ; and who is not a malguzár, inferior proprietor or member of the proprietary body of the mahál :]

(11) " lambardár " means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government :

(12) " sub-lambardár " means a person so appointed to represent the inferior proprietary body of a mahál in its relations with the superior proprietors :

(13) " mukaddam " means the executive headman of a village, appointed in manner prescribed by this Act :

[5][(13-*a*) " patel " means a person appointed in manner prescribed under this Act to represent a body of Government raiyats in their dealings with the Government :]

[5][(13-*b*) " patti " means the lands allotted to any sharer or body of co-sharers in a mahál by an imperfect partition under this Act :]

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[1] These words were added by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 7.

[2] The words " Provincial Government " were substituted for the words " Chief Commissioner " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] Cl. (8-*a*) was inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 8.

[4] This clause was substituted for the original clause (10) by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 9. The original clause was as follows : " ' Malik Makbuza ' means any person owning one or more plots of land assessed with revenue in a mahal ; but it does not include a malguzár or inferior proprietor."

[5] Clauses (13-*a*) and (13*b*) were inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 10.

(14) "tenant" means a person who holds land of another person, and is, or but for a special contract would be liable to pay rent for such land to such other person; but it does not include a farmer, mortgagee or thikadár of proprietary rights;

[1] [*Explanation I.*—An inferior proprietor is not, as such, a tenant;]

[1] [*Explanation II.*—The holder of a survey number in a village let in farm by the Government, or held by a gaontia in the Sambalpur district, is a tenant of the farmer or gaontia for the time being;]

[1] [*Explanation III.*—A person who is not an absolute occupancy-tenant or an occupancy-tenant and who holds land from a málik-makbuzá or from the holder of a survey number is a sub-tenant of that land;]

(15) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him;

(16) "absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before this Act comes into force [2], or after such a settlement but before this Act comes into force was recorded, by order of a Revenue or Settlement officer, in respect of such land as an "absolute occupancy-raiyat", or in terms equivalent thereto;

(17) "record-of-rights" includes the supplementary administration paper prepared at or after the time of making a settlement before this Act comes into force. [2]

Meaning of "sir-land".

[3] [**4-A.** (1) Subject to the provisions of sub-section (2) "sír-land" (that is to say, the demesne or permanent home-farm land of a proprietor) includes the following, and no other land, namely:—

(*a*) land finally recorded under section 69 as "sír-land" in the papers of the current settlement;

(*b*) land declared, under section 132, clause (*j*), to be "sír-land"; and

(*c*) land in the Sambalpur district recorded as "bhogra" in the papers of the current settlement.

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[1] These *Explanations* were substituted for the original *Explanation* by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 11. The original *Explanation* ran as follows: "*Explanation.*—An nferior proprietor is not, as such, a tenant."

[2] The 4th November 1881. *See* Central Provinces Gazette, 1881, Pt. II, p. 176.

[3] Section 4-A was inserted by s. 2 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898).

Temporary provisions for districts not settled since 1889.

(2) In any local area of which no settlement has been made since the commencement of the Central Provinces Land-revenue Act, 1889, and until the settlement of such local area next following the commencement of the Central Provinces Land-revenue Act, 1898, " sír-land " includes— Central Act XVI of 1889. Central Act XII of 1898.

(*a*) land defined as sír-land in the foregoing sub-section :

Provided that any such land (other than bhogra) which, at the commencement of the Central Provinces Land-revenue Act, 1889, was unoccupied by such proprietor, and which had, after the date of the settlement last preceding the commencement of the said Act, been so unoccupied for a period of six consecutive years shall not be deemed to be " sír-land " ; Central Act XVI of 1889.

(*b*) land which at the commencement of the Central Provinces Land-revenue Act, 1889, was occupied by and had been cultivated by the proprietors or one of the proprietors thereof for a period of not less than twelve consecutive years ; Central Act XVI of 1889.

(*c*) land which had at the commencement of the Central Provinces Land-revenue Act, 1889, been broken up from waste by the proprietor or one of the proprietors thereof and cultivated by him for a period of not less than six consecutive years : Central Act XVI of 1889.

Provided that any such land which at the commencement of the Central Provinces Land-revenue Act, 1889, was unoccupied by the proprietor, and had been so unoccupied by him for six consecutive years shall not be deemed to be " sír-land ". Central Act XVI of 1889.

Explanation I.—For the purposes of sub-section (2), land shall be deemed to be occupied by the proprietor when it is leased out by him with an express reservation of his sír-rights, and land shall be deemed to be cultivated when it is allowed to lie fallow in accordance with the usual practice of cultivation.

Explanation II.—For the purposes of this section—

(*a*) the word " proprietor " shall be deemed to include an assignee of proprietary rights, but not a málik-makbuzá ;

(*b*) when by any local custom land is liable to exchange or redistribution among the cultivators thereof, land which is not " sír-land ", and which is taken in exchange for " sír-land ", becomes " sír-land " and the " sír-land " given in exchange for that land ceases to be " sír-land " ;

(*c*) subject to the proviso to sub-section (2), clause (*a*), land which has been recorded as " sír-land " in the papers of any settlement made before the commencement of this Act shall be deemed to have been finally recorded as " sír-land " under section 69.]

(Part II, Chapter II.—Of Revenue-officers ; their Powers and Procedure.)

PART II.

CHAPTER II.

OF REVENUE-OFFICERS ; THEIR POWERS AND PROCEDURE.

Revenue-officers.

[1]5. There shall be the following classes of Revenue-officers, namely :—

[2][* * *]
the Financial Commissioner,
Commissioners,
Deputy Commissioners,
Assistant Commissioners,
Táhsildárs,
Nàib Tàhsíldárs.

Subordination of officers.

[1]6. [3][(1) * * * * *]

(2) The Financial Commissioner shall be subject to the control of the [4][State Government].

(3) All other Revenue-officers shall be subordinate to the [4][State Government] and the Financial Commissioner ; all Revenue-officers in a division shall be subordinate to the Commissioner of the division ; and all Revenue-officers in a district shall be subordinate to the Deputy Commissioner of the district.

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[1] These sections were substituted for the original sections 5 and 6 by the Central Provinces' Financial Commissioner's Act, 1908 (Central Act XIII of 1908), s. 4, with effect from the 10th December 1908, when that Act was brought into force, *see* s. 1 of that Act, and Central Provinces Gazette, 1908, Pt. I, p. 920.

The original sections 5 and 6 were as follows :—

"5. The Chief Commissioner shall, subject to the control of the Governor-General in Council, be the Chief Controlling Revenue-authority.

"6. (1) Besides the Chief Commissioner, there shall be the following classes of Revenue-officers, namely :—

Commissioners ;
Deputy Commissioners ;
Assistant Commissioners ;
Táhsíldárs ;
Náib Táhsíldárs.

(2) All Revenue-officers are subordinate to the Chief Commissioner ; all Revenue-officers in a division are subordinate to the Commissioner of the division ; and all Revenue-officers in a district are subordinate to the Deputy Commissioner of the district.

(3) An officer in charge of a village-survey in a district which is not under settlement may be invested by the Chief Commissioner with the powers of a Revenue-officer of any class, and when so invested, shall be subordinate to such officer or officers as the Chief Commissioner may direct."

[2] The words "the Chief Commissioner" were omitted by the Adaptation Order of 1937.

[3] This sub-section was omitted by *ibid*.

[4] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Part II, Chapter II.—Of Revenue-officers; their Powers and Procedure.)

(4) An officer in charge of a village-survey in a district which is not under settlement may be invested by the [1] [State Government] with the powers of a Revenue-officer of any class, and, when so invested, shall be subordinate to such officer or officers as the [1] [State Government] may direct.

Appointment of Commissioners, Deputy and Assistant Commissioners.

7. [2] [* *] The [1] [State Government] shall appoint [3] [* * *] Commissioners, Deputy Commissioners and Assistant Commissioners.

Appointment of Táhsīldàrs and Náib Táhsíldárs.

8. The [1] [State Government] shall appoint [3] [* * *] Táhsíldárs; and may also make rules for regulating the appointment, [4] [and duties] of Náib Táhsíldárs.

Persons holding office when Act comes into force.

9. All Commissioners, Deputy Commissioners, Assistant Commissioners, Táhsíldárs and Náib Táhsíldárs holding office as such in the territories to which this Act extends when this Act comes [5] into force shall be deemed to have been appointed hereunder.

Power to appoint additional Commissioners, Deputy Commissioners and Tàhsíldàrs.

10. The [1] [State Government] may appoint any person to be an additional Táhsíldár in any Táhsíl, or [6] [* * *] to be an additional Commissioner or additional Deputy Commissioner in any division or district, [7] [* * *].

The [1] [State Government] may invest any additional Commissioner, Deputy Commissioner or Táhsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Táhsíldár as the case may be.

State Government may invest Assistant Commissioner with powers of Deputy Commissioner.

11. The [1] [State Government] may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "Subject to the control of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

[3] The words "and may suspend or remove" were omitted by the Adaptation Order of 1937.

[4] These words were substituted for the words "duties, suspension and removal" by *ibid.*

[5] The Act came into force on 4th November, 1881; *see* Central Provinces Gazette, 1881, Pt. II, p. 176.

[6] The words "with the sanction of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

[7] The words "and may suspend or remove any person so appointed, but subject, in the case of an additional Commissioner, or additional Deputy Commissioner, to the like sanction," were omitted by *ibid.*

(*Part II, Chapter II.—Of Revenue-officers; their Powers and Procedure.*)

Officers transferred to retain powers with which they were invested.

12. Whenever any Assistant Commissioner, Táhsíldár or Náib Táhsíldár is transferred from one district or tahsíl to another, he shall, unless the [1] [State Government] otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was, under any provision of this Act, invested by the [1] [State Government] in the district or tahsíl from which he is transferred.

Provision for discharge of duties of Deputy Commissioner dying or being disabled.

13. When a Deputy Commissioner dies or is disabled from performing his duties, such officer as the [1] [State Government] may by rule direct, shall take executive charge of his district, and shall be deemed to be a Deputy Commissioner under this Act until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor takes charge of his office, or until the person so disabled resumes charge of his office.

State Government may alter limits of district or tahsíl.

14. The [1] [State Government] may, from time to time, by notification in the official Gazette, alter the limits of any district or tahsíl, create new districts or tahsíls and abolish existing districts or tahsíls.

Power to invest Revenue-officers—with power conferred by Code of Civil Procedure; with power to delegate powers.

15. The [1] [State Government] may, [2] [* * *] invest any Revenue-officer with any of the following powers :—

for the purpose of disposing of cases under this Act, any power conferred by the [3] [Code of Civil Procedure] on a Civil Court ;

power to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty conferred or imposed on him by this Act ;

and, subject to the like control, may determine the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made in this Act shall be disposed of.

Power of Deputy Commissioner to distribute work.

16. Subject to any rules which the [1] [State Government] may make in this behalf, a Deputy Commissioner may—

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal ; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "subject to the control of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

[3] *See* now the Code of Civil Procedure, 1908 (Central Act V of 1908).

and report on such case or class, or, if he has power, dispose of it himself.

The Subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the Deputy Commissioner, or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

Power of superior Revenue-authorities to withdraw and transfer cases.

17. The [1][State Government] [2][or the Financial Commissioner], the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to [3][it or] him, and either dispose of it [4][itself or] himself, or refer it for disposal to any other Revenue-officer subordinate to [3][it or] him and having power to dispose of the same.

Power of Revenue-officers to enter on land, etc.

18. All Revenue-officers, and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

Power for Revenue and Settlement-officers to require attendance of persons and production of documents.

[5]**18-A.** (1) Any Revenue-officer or class of Revenue-officers and any officer appointed to make a settlement may, if specially empowered in this behalf by the [1][State Government], order all persons whose presence may be, in the opinion of the officer making the order, necessary for any of the purposes of this Act to attend either in person or by authorized agent at any specified time and place, and may also direct them to produce any written document in their possession, and all such persons shall be legally bound to obey the order.

(2) The power to require the attendance of parties in person shall, so far as may be, be subject to the provisions of section 176 of the [6] Code of Civil Procedure.

Power to make rules to regulate procedure.

19. The [1][State Government] may, [7][* * *] make rules consistent with this Act for regulating the procedure of Revenue-officers in cases for which a procedure is not

[1] Tho words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were inserted by the Central Provinces Financial Commissioner's Act, 1908 (Central Act XIII of 1908), s. 5, with effect from the 10th December 1908, when that Act was brought into force, *see* note to s. 5 *ante*.

[3] These words were substituted for the word "him" by the Adaptation Order of 1937.

[4] These words were substituted for the word "himself" by *ibid.*

[5] Section 18-A was inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 13.

[6] *See* now the Code of Civil Procedure, 1908 (Central Act V of 1908).

[7] The words "with the previous sanction of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

prescribed by this Act, and may by any such rule direct that any provisions of the [1] Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue officers.

Persons by whom appearances and applications may be made before and to Revenue-officer. Obligation of parties to attend in person.

20. All appearances before, applications to, and acts to be done before any Revenue-officer under this Act may be made or done—

(*a*) by the parties themselves ; or

(*b*) with the permission of the officer, by their recognized agents or any legal practitioner :

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer.

Legal practitioner's or agent's fees not allowed unless for special reasons.

21. The fees of a legal practitioner or recognized agent shall not be allowed as costs before any Revenue-officer unless such officer considers, for reasons to be recorded by him in writing, that such fees should be allowed.

Appeals.

22. An appeal shall lie against every decision or order under this Act—

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner, except an Assistant Commissioner, exercising the powers of a Deputy Commissioner—to the Deputy Commissioner ;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal—to the Commissioner of the division ;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division—to the [2][Financial Commissioner] :

Provided that in no case shall a third appeal be allowed.

Limitation of appeals.

23. No appeal shall lie—

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of ; or

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date ; or

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[1] *See* now the Code of Civil Procedure, 1908 (Central Act V of 1908).

[2] The words "Financial Commissioner" were substituted for the words "Chief Commissioner" by the Central Provinces Financial Commissioner's Act, 1908 (Central Act XIII of 1908), s. 6, which came into force on the 10th December 1908, *see* note to s. 5 *ante*.

(Part II, Chapter II.—Of Revenue-officers ; their Powers and Procedure.)

(*c*) in the Court of the [1][Financial Commissioner]— after the expiration of ninety days from such date. Central Act XV of 1877.

In computing such periods of limitation, and in all respects not herein specified the provisions of the Indian Limitation Act, 1877[2] shall apply.

Powers of revision of Commissioner and Deputy Commissioner.

24. Any Commissioner or Deputy Commissioner may at any time, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, any Revenue-officer subordinate to him, call for and examine the record of any case pending before, or disposed of by, such officer, and may pass such order in reference thereto as he thinks fit :

Provided that he shall not under this section modify or reverse any order affecting any question of right between private persons, without having given to the parties interested reasonable notice to appear and be heard in support of such order.

Powers of revision of State Government.

25. The [3][State Government] [4][or the Financial Commissioner] may at any time call for and examine the record of any case pending before, or disposed of by, any Revenue-officer, and may pass such order in reference thereto as [5][it or] he thinks fit :

Provided that no order affecting any question of right between private persons shall be passed under this section unless the [3][State Government] [4][or the Financial Commissioner] has given the parties interested an opportunity of being heard.

Review of orders.

26. Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, orders passed by himself or by any of his predecessors in office :

Provided as follows :—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of a Deputy Commissioner proposes to review any order, whether passed

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[1] The words "Financial Commissioner" were substituted for the words "Chief Commissioner" by the Central Provinces Financial Commissioner's Act, 1908 (Central Act XIII of 1908), s. 6, which came into force on the 10th December 1908, *see* note to s. 5 *ante*.

[2] *See* now the Indian Limitation Act, 1908 (Central Act IX of 1908).

[3] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[4] These words were inserted by the Central Provinces Financial Commissioner's Act, 1908 (Central Act XIII of 1908), s. 5, which was brought into force on the 10th December 1908, *see* note to s. 5 *ante*.

[5] The words were substituted for the word "he" by the Adaptation Order of 1937.

(Part II, Chapter II.—Of Revenue officers; their Powers and Procedure. Part III.—Of Survey and Settlement. Chapter III.—Preliminary.)

by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is immediately subordinate :

(2) no order shall be modified or reversed unless reasonable notice has been given to the parties interested to appear and be heard in support of such order :

(3) no order against which an appeal has been preferred shall be reviewed while such appeal is pending :

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings ; and no application for the review of such an order shall be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within such period.

For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any Revenue-officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

Of Survey and Settlement.

CHAPTER III.

PRELIMINARY.

Notification of revenue-survey.

27. Whenever it appears to the [1][State Government] that a revenue-survey should be made in any local area, [2][it] shall publish a notification in the official Gazette directing that such survey be made and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area ; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen, may enter upon the lands to be surveyed, and erect survey marks, and do all other acts necessary for making the survey.

Effect thereof.

Notification of settlement.

28. When any local area is to be settled, the [1][State Government] may [3][* * * *] issue a notification of settlement, and in such notification shall—

(*a*) define the local area to be settled ;

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] This word was substituted for the word "he" by the Adaptation Order of 1937.

[3] The words "with the previous sanction of the Governor-General in Council" were omitted by *ibid.*

(*b*) specify the operations which are to be carried out in the settlement :

and may from time to time with the like sanction amend, alter or cancel such notification.

Power to amend notification.

Every such notification, amendment, alteration and cancellation shall be published in the [1][official Gazette].

Power to appoint Settlement officers.

29. The [2][State Government] may from time to time appoint one or more officers (hereinafter called Settlement-officers) to make the settlement of such area ; and, when [2][it] appoints more than one such officer, [3][it] shall appoint one of them (hereinafter called the Chief Settlement-officer) [4] to control such settlement, and all other officers appointed for the purposes of such settlement shall be subordinate to the Chief Settlement-officer.

[5][* * *]

Settlement-officer may be invested with powers of Deputy Commissioner.

30. During the progress of the settlement of any local area, the [2][State Government] may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the [2][State Government] may from time to time direct.

Certain provisions of Chapter II applied to Settlement-officers.

31. The provisions of section 11 and sections 15 to 26, both inclusive, shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, the expression "Settlement-officer" being read for the expressions "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer" for the expression "Deputy Commissioner," wherever those expressions occur :

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order :

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

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[1] These words were substituted for the words "local official Gazette" by the Adaptation Order of 1937.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] This word was substituted for the word "he" by the Adaptation Order of 1937.

[4] Notwithstanding anything contained in s. 29, the Chief Commissioner shall be deemed to have, and to have had, authority to assign to the Settlement-officer the title "Assistant Settlement-officer" and to the Chief Settlement-officer the title "Settlement-officer"—*see* the Central Provinces Land revenue Act, 1889 (Central Act XVI of 1889), s. 40.

[5] The second paragraph was omitted by the Adaptation Order of 1937.

(Part III.—Of Survey and Settlement. Chapter III.—Preliminary.)

32. The [1][State Government] may, from time to time [2][* * *],—

Appointment of Settlement-commissioner.

(*a*) appoint a Settlement-commissioner and transfer to him, within any local area under settlement, all or any of the powers which the Commissioner of the division, if the land to be settled were wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

Delegation to him of State Government's powers.

(*b*) delegate to the Settlement-commissioner such of [3][its] own powers in regard to matters connected with such settlement as [4][it] thinks fit.

Central Act XVI of 1885.

Power to invest Settlement-officers with Civil Court powers.

33. When any local area is under settlement, the [1][State Government] may invest any subordinate Settlement-officer with the powers of any of [5][the last five classes] of Courts described in section 4 of [6][the Central Provinces Civil Courts Act, 1885], and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner described in the same Act, [7][section 7], for the trial, in the first instance, of any of the following classes of suits instituted within such area (namely):—

(*a*) suits for arrears of rent due on account of any right of pasturage, forest-rights, fisheries or the like;

(*b*) suits by lambardars for arrears of revenue payable through them by the proprietors whom they represent;

(*c*) suits by proprietors for their share of the profits of an estate or any part thereof after payment of the revenue and village-expenses, or for a settlement of accounts;

(*d*) suits by muáfidárs or assignees of revenue for arrears of revenue owing to them as such muáfidárs or assignees;

(*e*) suits by superior proprietors for arrears of revenue due to them as such superior proprietors;

(*f*) suits by proprietors and others in receipt of the rent of land against any agents employed by them in the

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "with the previous sanction of the Central Government" were omitted by the Central Provinces Land-revenue (Amendment) Regulation, 1939 (Madras Regulation I of 1939).

[3] This word was substituted for the word "his" by the Adaptation Order of 1937.

[4] This word was substituted for the word "he" by *ibid.*

[5] These words were substituted for the words "the first five grades, etc.", by the Amending Act, 1891 (Central Act XII of 1891).

[6] These words and figures were substituted for the words and figures "the Central Provinces Courts Act, 1865," by *ibid.*

[7] The word and figure in square brackets were substituted for the words and figures "sections 12, 19 and 20" by *ibid.*

management of land or collection of rents, or against the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession ;

(*g*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the record-of-rights, and of which Civil Courts can take cognizance ;

(*h*) suits relating to land, or the rent, profits or occupation of land.

Chief Settlement-officer to have powers of Deputy Commissioner. Central Act. of XVII 885.

34. When the [1][State Government] invests any subordinate Settlement-officer with the powers of a Civil Court for the trial of any of the suits mentioned in section 33, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner described in [2][the Central Provinces Civil Courts Act, 1885, section 16, and section 17, sub-section (1), and the powers of a Court of a Commissioner described in the same Act, section 15, sub-section (1)] with reference to proceedings before, or decrees and orders of, such Settlement-officer in such suits.

Appeals in suits specified in section 33 when to lie to Chief Settlement-officer.

35. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section 33 in such local area, the [1][State Government] may, with respect to all or to any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts [2][of the last four classes] aforesaid, by Assistant Commissioners or Tàhsildàrs not being Settlement-officers, shall be appealable to the Chief Settlement-officer, and not to the Deputy Commissioner of the district.

Division of civil work between Settlement-officers and ordinary Courts.

36. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section 33, the [1][State Government] may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or [4][it] may direct that, in respect of such suits the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts :

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words and figures were substituted for the words and figures "the Central Provinces Courts Act, 1865, ss. 12, 19 and 20," by the Amending Act, 1891 (Central Act XII of 1891).

[3] These words were substituted for the words "the first four grades" by *ibid*

[4] This word was substituted for the word "he" by the Adaptation Order of 1937.

(Part III.—Of Survey and Settlement. Chapter III.—Preliminary. Chapter IV.—Of Demarcation.)

Provided that no proceedings which have been inadvertently or erroneously taken before the Civil Court shall be deemed to be invalid merely on the ground that, by the [1][State Government's] order, they should have been taken before a Settlement-officer.

Provisions of section 31 not to apply to certain suits.

37. Nothing in section 31 shall apply to suits and appeals or other proceedings instituted before, or determined by, Settlement-officers in pursuance of powers conferred upon them under section 33, 34 or 35.

Appeal, reference and revision.

38. Except as provided in sections 33, 34 and 35, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade, shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Civil Court of such grade, and no appeal shall lie under the provisions of section 22 from such decrees or orders.

Duration of settlement operations.

39. Every settlement notified under section 28 shall be deemed to be in progress until the [2][State Government], by notification in the official Gazette, declares that it is completed.

Cases pending at close of settlement operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease, and all suits and applications pending before such officers shall be transferred to such of the Courts ordinarily having jursidiction in such cases as the Commissioner of the division directs, or, if there are no such Courts, shall be disposed of in such manner as the [2][State Government] directs.

CHAPTER IV.

Of Demarcation.

Unowned Lands.

Settlement officer to invite claims to lands appearing to have no owner.

40. When any local area is under settlement, the Settlement-officer shall make lists of all lands in such area which appear to him to have no lawful owner, and shall thereupon issue a notification declaring his intention to demarcate such lands as the property of the Government, and inviting every person having claims to or over them to present in his Court, within three months from the date of the notification, a

[1] The words "Provincial Government's" were substituted for the words "Chief Commissioner's" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

petition in writing setting forth such claims and the respective grounds thereof.

Application of Central Act XXIII of 1863.

41. Every such notification shall be deemed to be an advertisement under [1] Central Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste-lands*) section 1;

the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act;

the Settlement-officer shall exercise all the powers vested in the Collector by that Act; and

claims to or over the land comprised in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

Procedure when limited right over land established.

42. Whenever a claim to the exercise or enjoyment of any right (not amounting to the right of exclusive possession) in, to or over any land comprised in such notification is established, either before the Settlement-officer or before the Court constituted under the said [1] Central Act No. XXIII of 1863, section 7, the Settlement-officer may assign to the claimant as his property a definite portion of such land, or, with the sanction of the [2] [State Government], he [may otherwise compensate the claimant: and such assignment or compensation shall be held to extinguish all claims on account of such exercise or enjoyment.

Māhals.

Power to form mahàls.

43. The Settlement-officer may declare any local area to be a mahàl.

Excluded Lands.

Settlement-officer may exclude any town or land from settlement operations.

44. For the purpose of excluding from all or any of the operations of the settlement any town or any land from which the owner can derive no profit, the Settlement-officer may mark off the site and determine the limits of such town or land:

Provided that no land in respect of which land-revenue is payable at the date of the notification issued under section 28 shall, under this section, be exempted from assessment without the sanction of the [2] [State Government].

Boundary-marks.

Erection of new, and repair of existing, boundary marks.

45. When any local area is under settlement, the Settlement-officer may order all persons who have proprietary rights

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[1] The Waste Lands (Claims) Act, 1863.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Part III.—Of Survey and Settlement. Chapter IV.—Of Demarcation. Chapter V.—Of the Assessment of Land-revenue.)

in the land comprised in such area, [1] [or who are in possession of the whole or any part of the land as gaontias or as thíkadàrs of Government land, or as raiyats who have accepted the assessment of a survey-number], to erect boundary-marks of such description and at such places as he thinks necessary in order to define the limits of the mahàls, fields or other lands in their possession, or to repair boundary-marks already existing, and may fix a reasonable time for obeying his order ;

and, if his order is not obeyed within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

CHAPTER V.

Of the Assessment of Land-revenue.

Separate sum to be assessed on every mahàl. Progressive assessments.

46. On every mahàl, a definite and separate sum shall be assessed as land-revenue ; but the sum so assessed may be reduced in such manner and to such extent as the [2] [State Government] thinks fit, for any period not exceeding ten years from the date on which the assessment takes effect :

[3][Provided that the [2] [State Government] may declare that any mahàl which consists wholly or principally of forest is a forest-mahàl, and may direct that the assessment shall be a specified share of the gross or net annual value of the produce of the mahàl to be determined from time to time for each year, or part of a year, or that the assessment shall be in the form of rates chargeable on the produce of the mahàl in each year or part of a year.]

Matters as to which State Government is to instruct Settlement-officer.

47. The [2] [State Government] may from time to time, [4][* * *] give instructions to the Settlement-officer as to the principle on which land-revenue is to be assessed, and as to the sources of miscellaneous income to be taken into account in the assessment.

What land taken into account in assessing mahà

48. In assessing a mahàl all land situate therein shall be taken into account except the following (that is to say) :—

(*a*) land purchased free from revenue under any rules for the time being in force to regulate the sale of waste-lands ;

[1] These words were inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 14.

[2] The words " Provincial Government " were substituted for the words " Chief Commissioner " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] This proviso was inserted by section 15 of the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889).

[4] The words " with the previous sanction of the Governor-General in Council " were omitted by the Adaptation Order of 1937.

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force;

(*c*) land excluded from assessment under section 44;

(*d*) land in respect of which a claim to hold it free from revenue as against the [1][Government] is established under the provisions hereinafter contained;

(*e*) land which the [2][State Government] [3][* * *] may from time to time exempt from assessment.

Assessment to whom to be offered.

49. The assessment of every mahàl shall be offered to the entire proprietary body of such mahàl:

Provided that, when superior and infereior proprietary rights co-exist in the same mahàl, the Settlement-officer may, subject to such rules as the [2][State Government] may make in this behalf, determine whether the assessment shall be offered to the superior or to the inferior proprietors.

Subject to such rules as the [2][State Government] may make in this behalf, the Settlement-officer may determine the manner and proportion in which the proprietary profits of the mahàl shall be allotted between the superior and the inferior proprietors.

When a proprietor has mortgaged his rights in any mahàl, and the mortgagee has entered into possession, such mortgagee, so long as he is in possession, shall, for the purposes of this section, stand in the place of the mortgagor.

Sub-settlement to be made with inferior proprietors when settlement is made with superior.

50. When in a mahàl in which superior and inferior proprietors co-exist the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, by which such inferior proprietors shall be bound to pay to the superior proprietors an annual revenue equal to the land-revenue with which the mahàl is assessed and to the profits to which the superior proprietors are entitled under section 49.

Power to give directions as to payment of certain profits of superior proprietors.

51. When in any such mahàl the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profits to which the superior proprietors are entitled under section 49 shall be paid by the inferior proprietors direct to such superior proprietors, or that such profits shall be collected as if they were land-revenue and shall be paid to the superior proprietors from the Government treasury.

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[1] The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] The words "subject to the control of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

(Part III.—Of Survey and Settlement. Chapter V.—Of the Assessment of Land-revenue.)

Power to make rules for reporting assessment for sanction.

52. [1][State Government] may make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment; and no assessment shall be offered without the previous sanction of the [1] [State Government].

Offers of assessment to be made subject to confirmation.

53. In making any offer of assessment, the Settlement-officer shall state that it is made subject to confirmation [2][* * *] by the [1] [State Government] [3][* * *].

Option to accept or refuse assessment.

54. It shall be in the option of the persons to whom an assessment is offered to accept or refuse the same.

Mode of acceptance.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the [1] [State Government] may, from time to time, prescribe in this behalf and deliver the same to the Settlement-officer.

Proprietor not accepting in manner prescribed may be deemed to have accepted.

[4]**55.** Any proprietor who, within such reasonable period as may be specified by the [1] [State Government], fails to make, sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

Effect of acceptance of assessment.

[4]**56.** Whenever the assessment of a mahál has been accepted under this Act, the persons who have accepted it shall be bound to pay the amount thereof from such date and for such term as the [1] [State Government] may appoint in this behalf, or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect:

Provided [5] [that]

Málguzárs may object to continuance of assessment beyond term of settlement.

if all the málguzárs of a mahál, six months before the expiry of the term fixed under this section, apply in writing to the Deputy Commissioner stating that they are unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "by the Governor-General in Council and also to revision" were omitted by the Adaptation Order of 1937.

[3] The words "at any time before such confirmation is received" were omitted by *ibid.*

[4] As to the application of ss. 55 and 56 to raiyatwari settlements, see s. 67-G. infra.

[5] This word was substituted for the words "as follows:—

1st, any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor-General in Council;

2ndly, the Governor-General in Council may rescind any assessment submitted to him for confirmation.

3rdly," by the Adaptation Order of 1937.

(Part III.—Of Survey and Settlement. Chapter V.—Of the Assessment of Land-revenue.)

When assessment is in form of rates, Deputy Commissioner to publish record of amount payable.

[1][56-A. (1) If the assessment accepted is a specified share of the produce of a forest-mahál to be determined from time to time or in the form of rates chargeable on the produce of a forest-mahál, the Deputy Commissioner shall, from time to time, as the conditions of the assessment may require, notify to the málguzár, on or before such date, or at such intervals as the [2][State Government] may prescribe, the amount payable in respect of the forest-mahál.

(2) The Deputy Commissioner and his subordinates may at any time enter on the forest-mahál and do all acts necessary for ascertaining the amount payable in respect thereof.]

Procedure when assessment is refused.

57. Where there is but one class of proprietors in a mahál and all refuse to accept in manner required by section 54 the assessment offered, the Settlement-officer may, with the previous sanction of the [2][State Government], exclude them from settlement for a period not exceeding thirty years from the date of such exclusion, and may either let the mahál in farm or take it under direct management.

Procedure when only some proprietors accept assessment.

58. If some of the proprietors consent, and some refuse so to accept the assessment offered, the Settlement-officer may, with the previous sanction of the [2][State Government], if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, exclude such recusant proprietors from settlement for a period not exceeding thirty years from the date of such exclusion and either let their lands in farm or take such lands under direct management.

In other cases the assessment of the entire mahál shall be offered to the proprietors who consented to accept the assessment when originally offered, and if they refuse it, the mahál shall be dealt with under the provisions of section 57.

When the recusant proprietors are excluded under this section, the lands of the proprietors who consented to accept the assessment originally offered shall be deemed to be a separate mahál and shall be assessed as such; and such assessment shall be offered to the proprietors so consenting; and, if the lands of the recusant proprietors are let in farm, the farm shall be first offered to the proprietors who consented to accept the assessment originally offered.

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[1] Section 56-A was inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 16.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Part III.—Of Survey and Settlement. Chapter V.—Of the Assessment of Land-revenue.)

Procedure on refusal of assessment in village in which superior and inferior rights co-exist.

59. When an assessment is offered in a mahál in which both superior and inferior proprietors co-exist,—

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse to accept as aforesaid the assessment offered, the assessment shall be offered to the proprietors of the other class; and, if all such proprietors refuse the assessment, the Settlement-officer shall proceed as provided in section 57;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all had refused it or may deal with the mahál under section 58:

Provided that, if, in the case contemplated by clause (*b*), the proprietors who consented to accept the assessment when originally offered refuse to accept it, such assessment shall be offered to the other class of proprietors.

Procedure on refusal of assessment by inferior proprietors.

60. If all or any of the inferior proprietors refuse any assessment offered under section 50, the Settlement-officer may exclude them all from the sub-settlement, and assign the proprietary management and profits of the mahàl to the superior proprietor for any term not exceeding the term of settlement.

Allowance to excluded proprietors.

61. Any proprietor excluded from settlement under section 57 or section 59, clause (*a*), shall be entitled to receive from the [1][State Government] an annual allowance, the amount of which shall be fixed by the [2][State Government], but which shall not be less than five per cent, or more than ten per cent, on the amount of the assessment offered to him by the Settlement-officer.

Excluded proprietors to have occupancy rights in their sir-land.

62. Any proprietor excluded from settlement or sub-settlement under sections 57 to 60, both inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant, and the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.

Aggregate amount of allowance granted to, and deduction from rent allowed to, excluded proprietor.

63. The aggregate amount of any allowance under section 61, and of the difference between the rent fixed under section 62 and the rent which the excluded proprietor would be liable to pay if he were a tenant-at-will, shall not be less than five or more than fifteen per cent on the amount of the assessment offered to him by the Settlement-officer.

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[1] The words "Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Part III.—Of Survey and Settlement. Chapter V.—Of the Assessment of Land-revenue.)

Sub-settlement with málik-mákbuzás and other like holders of land.

64. The Settlement-officer may make, on behalf of málik-mákbuzás or other like holders of land such a sub-settlement as shall secure to them from the málguzárs of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the málguzárs such percentage thereon, not exceeding twenty per cent, as may, in opinion, be sufficient to compensate the said málguzárs for their responsibility in respect of the land-revenue, and to provide for the fees of lambardárs and mukaddams.

Revenue payable under sub-settlement to be first charge on land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

Power to inquire into the claims of thikádárs, gaontiás and farmers.

[1] **[65-A.** (1) The Settlement-officer may inquire into the claim of any person holding from a proprietor a village or part of a village as thíkádár, gaontia or farmer, and may, notwithstanding any contract to the contrary, and with the previous sanction of the [2] [State Government], declare such thíkádár, gaontia or farmer to be " protected " for the purposes of this section :

Provided that no thíkàdàr, gaontia or farmer shall be declared to be protected under this section unless he or those from whom he has inherited has or have been in possession of the village or part of the village for a period of not less than twenty years, or unless it is proved to the satisfaction of the Settlement-officer that he or those from whom he has inherited has or have established the village or substantially improved it at his or their own cost :

Provided also that when a thíkádár, farmer or gaontia is entitled to claim protection within the meaning of this section, the Settlement-officer may, in his discretion, and with the previous sanction of the [2] [State Government], instead of declaring him to be protected, confer on him the rights of an occupancy-tenant in respect of the whole or part of any land which he may be cultivating whether as sír-land or otherwise, at the time of the inquiry, and shall determine the rent payable by him as occupancy-tenant of such land.

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[1] The present s. 65-A was substituted by s. 3 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898), for the s. 65-A inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 17.

[2] The words " Provincial Government " were substituted for the words " Chief Commissioner " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(2) When a thíkádár, farmer or gaontia is declared to be protected under this section, the Settlement-officer may, at the request of the proprietor of the village, determine the amount of the thíká-jama which shall be payable by such thíkádár, gaontia or farmer to the proprietor of the village on and from the date on which the settlement of the village takes effect.

(3) Any person who, having held any village or part of a village as a thíkádár, farmer or gaontia, was ejected by the proprietor from, or lost possession otherwise than by transfer or voluntary surrender of, such village or part of a village, and who had at the date of such ejectment or dispossession earned a claim to be protected, may at any time before the expiration of two years from the date of such ejectment or dispossession apply to the Settlement-officer to reinstate him in the possession of the village or part of the village from which he was ejected; and the Settlement-officer may, with the previous sanction of the [1] [State Government], replace him in the possession of such village or part of a village and declare him to be protected, or may confer upon him the rights of an occupancy-tenant in the whole or part of any land in the village which he was cultivating at the time of his ejectment, and place him in possession of such land and determine the rent which shall be payable by him to the proprietor as such tenant.

Explanation.—Any such person as is described in this sub-section who, having been ejected subsequently to the first day of January 1893, applied to a Revenue-officer for reinstatement within two years of his ejectment, shall be deemed to have made the application required by this sub-section.

(4) The incidents of the tenure of a thíkádár (including a farmer or gaontia) who has been declared to be protected under this section shall be as follows :—

(*a*) the tenure shall be heritable, but not transferable by sale, gift, mortgage or dower; it shall not be saleable in execution of any decree nor shall any decree be passed for the sale thereof; and, save in so far as any arrangements to the contrary are in force at the time of the declaration, it shall not be partitioned and shall devolve on one member only of the thíkádár's family;

(*b*) when on the death of a thíkádár there are two or more heirs bearing the same relationship to him, the eldest of such heirs shall succeed :

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(*Part III.—Of Survey and Settlement. Chapter V.— Of the Assessment of Land-revenue.*)

Provided, first, that of such heirs an heir who was joint with the thíkádár shall have preference over an heir who was separate : and

Provided, secondly, that the eldest of two or more such heirs shall be at liberty at the time of succession to resign his right in favour of another heir bearing the same degree of relationship to the deceased thíkádár as he himself bears ;

(*c*) a protected thíkádár, whether holding under a written lease or a verbal agreement, shall be entitled to a renewal of his lease on its expiry, on his agreeing to farm his village at a fair and equitable thíká-jama ;

(*d*) in the event of any dispute arising between the proprietor and the protected thíkádár as to what is a fair and equitable thíká-jama, the matter shall be referred to the Deputy Commissioner, whose decision shall, subject to revision by the Commissioner and [1] [State Government], be final ;

(*e*) not more than one enhancement of the thíká-jama or, where it is so specially provided in the terms of the settlement of the village, no enhancement of the thíkà-jama shall be imposed on a protected thíkàdàr during the currency of a settlement ;

(*f*) all miscellaneous dues and cesses, unless specially authorized by the [1] [State Government], shall be included in the thíkà-jama payable under the lease ; and

(*g*) a protected thikádár shall comply with the rules made under section 124-A for the management of málguzári forests.

(5) In any proceedings before a Court for the ejectment of a thíkádár, gaontia or farmer, if it appears that the thíkádár, gaontia or farmer has filed an application before a Revenue-officer to obtain a declaration that he is protected, or if he files such an application before the Court, the Court shall stay proceedings until the application has been disposed of in accordance with the provisions of this Act, and shall, if the application is filed before itself, forward such application to the Deputy Commissioner or Settlement-officer for disposal.

(6) If any protected thíkádár, gaontia or farmer is shown to have, since the commencement of the Central Provinces Land-revenue Act, 1898, contravened, or to be contravening, the conditions of his tenure as contained in clause (*a*) or clause (*g*) of sub-section (4), or to have grossly mismanaged the village held by him in lease, the Settlement-officer or Deputy Commissioner may, with the previous sanction of the [1] [State Government], declare such thíkádár, gaontia or

Central Act XII of 1898.

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

farmer to have forfeited the protection previously conferred on him under this section, and such thíkádár, farmer or gaontia shall from the date of such declaration cease to be protected.

(7) Nothing in this section shall affect the liability of any protected thíkàdár, farmer or gaontia to ejectment in execution of a decree for ejectment passed, in accordance with any law for the time being in force and not inconsistent with this Act, on the ground—

(*a*) that he has failed to pay the thíká-jama legally payable by him :

(*b*) that he has diverted the culturable land of the village to non-agricultural purposes, or is chargeable with some act or omission which renders him liable to be ejected.]

Settlement-officer to apportion assessment over lands held in severalty.

66. When the whole of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion to the several holdings the amount with which such land is assessed under a settlement or sub-settlement.

When only part of the land comprised in a mahál is held in severalty the Settlement-officer shall apportion such amount to the part held in common and the part held in severalty, and shall further apportion to the several holdings the amount to which they are liable under the former apportionment.

Settlement-officer to redistribute land according to custom.

67. When by established custom the land held by each proprietor in any mahál is subject to periodical redistribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such redistribution according to such custom.

[1] *Procedure in Raiyatwari Settlements.*

Assessment of raiyatwari villages.

[1][**67-A.** (1) The [2][State Government] may make rules for the Assessment of land held by raiyats direct from the [3][Government].

(2) Such rules may provide for the subdivision of occupied and unoccupied land into survey-numbers, on each of which a separate assessment shall be made :

Provided that no such survey-number shall include land occupied in separate interest by more raiyats than one at the time of its formation.

(3) When the lands of a village have been divided into survey-numbers, on each of which a separate assessment has

[1] This heading and sections 67-A to 67-I were inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), section 18.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

been made, the village may be declared by the [1] [State Government], to be a regularly settled raiyatwári village.

(4) The assessment made on a survey-number may be either fixed or progressive or in the form of rates chargeable according to the results of each year or harvest.]

Assessment to whom to be offered.

[2] [67-B. (1) The assessment of each survey-number in a regularly settled raiyatwári village shall in the first place be offered to the raiyat (if any) holding the survey-number.

(2) If such raiyat refuses to accept the assessment, he may be ejected as if for non-payment of revenue, and the assessment may be offered—

(*a*) to any co-partner of the ejected raiyat, and, if he also refuses,

(*b*) to any other person.]

Assessment of unoccupied survey-numbers.

[2] [67-C. A survey-number formed from unoccupied land in a regularly settled raiyatwàri village may be allotted by the Settlement-officer at the time of settlement or by the Deputy Commissioner during the currency of the term of settlement to any person who accepts the assessment made upon it.]

Responsibility of raiyats for assessment.

[2] [67-D. (1) A raiyat who has accepted the assessment of a survey-number in a regularly settled raiyatwári village, and his representatives and assigns, shall be responsible for the payment of the land-revenue assessed on such survey-number during the term of settlement, unless he or they has or have relinquished the survey number by presenting at the tahsil office a written notice of relinquishment.

(2) Such notice of relinquishment shall take effect from the first day of April next following the date of the presentation thereof.]

Right of raiyat inheritable, but not transferable.

[2] [67-E. (1) The right of a Government raiyat in a survey-number held by him shall devolve as if it were land, but is not transferable except to a person who, if he survived the raiyat, would inherit his right, or to a co-sharer in such right, or, with the permission of the Deputy Commissioner, by a lease to a sub-tenant cultivating under the raiyat.

(2) The right of a raiyat in a survey-number held by him shall not be sold in execution of a decree.

(3) A raiyat is not entitled to claim partition of a survey-number, but the Deputy Commissioner may, with the previous sanction of the [1] [State Government], partition a survey-number and apportion the assessment between the holders thereof.

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These sections were inserted by s. 18 of the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889).

(Part III.—Of Survey and Settlement. Chapter V.—Of the Assessment of Land-revenue.)

(4) Nothing in this section shall affect the rights of raiyats on whom proprietary rights in survey-numbers held by them have been conferred by special orders.]

[1] [**67-F.** The [2] [State Government] may make rules—

Power to make rules for survey-numbers.

(*a*) prescribing the procedure under which unoccupied survey-numbers may be allotted to raiyats during the currency of the term of a settlement;

(*b*) providing for the appointment in the case of survey-numbers held by two or more raiyats in co-partnership, of one of such raiyats to be primarily responsible for the payment of the land-revenue assessed on such survey-numbers;

(*c*) providing, in cases in which the assessment is in the form of rates chargeable according to the results of each year or harvest, for the manner and time in and at which the amount chargeable is to be notified to the raiyat.]

Central Act XVI of 1889

[1] [**67-G.** The provisions of sections 55 and 56 shall, so far as they can be made applicable, apply to raiyatwàri settlements made under this Act.]

Provisions of sections 55 and 56 applicable to raiyatwári settlements.

[1] [**67-H.** The land-revenue payable at the commencement of the Central Provinces Land-revenue Act, 1889, by raiyats holding survey-numbers in villages declared to be regularly settled raiyatwári villages, shall be deemed to have been assessed under the provisions of this Act.]

Land-revenue now payable by raiyats to be deemed to be fixed under this Act.

[1] [**67-I.** Raiyats who hold Government land not included in a regularly settled raiyatwári village and who are not tenants within the meaning of this Act, shall be liable for the payment of such land-revenue as may be assessed in accordance with rules made under this Act on the land held by them:

Raiyats holding Government land not included in raiyatwári villages.

Provided that such a raiyat shall not be compelled to pay revenue for land which he has vacated before the first day of April next before the commencement of the agricultural year on account of which the claim for such revenue arises.]

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[1] These sections were inserted by s. 18 of the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889).

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Part III.—Of Survey and Settlement. Chapter VI.—Of certain Investigations by the Settlement-officer and the Preparation of the Record-of-Rights.)

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

Settlement-officer to ascertain proprietors.

68. The settlement-officer shall ascertain the persons who are in possession as proprietors of the land comprised in each mahál.

Determination and record of sir-land.

[1][**69.** (1) The Settlement-officer shall ascertain and determine the extent of all the land which is held as sir-land as defined in section 4A, and which has not lost its character as sir-land under the provisions of section 45 of the Central Provinces Tenancy Act, 1898, and shall record the same as sir-land. Central Act XII 1898.

(2) The Settlement-officer shall also record as sir-land—

(*a*) land which is at the time of his inquiry cultivated by the proprietor or one of the proprietors thereof and has been continuously so cultivated for a period of not less than twelve consecutive years ; and

(*b*) land which is at the time of his inquiry cultivated by the proprietor or one of the proprietors thereof, and having been broken up from waste-land by such proprietor or one of such proprietors, has since been continuously cultivated by him for a period of not less than six years :

Provided that no land shall be recorded as sir-land under this sub-section if the total area of sir-land within the mahál already exceeds, or will by such record be made to exceed, one-quarter of the total occupied area of the mahál :

Provided, further, that the Settlement-officer may, with the previous sanction of the Commissioner, exempt any mahàl or part thereof from this limitation in respect of land falling under clause (*b*) of this sub-section.

(3) When a part of such land as is referred to in sub-section (2) is excluded from the record of sir-land under the proviso to that sub-section, the proprietor shall have the right to choose the particular fields which are to be excluded.

(4) An order or entry of the Settlement-officer recording or omitting or refusing to record any land as sir-land under sub-section (1) shall be final unless and until it is reversed or modified by the decree of a Civil Court in a suit instituted under section 83 at any time after the record is attested by the Settlement-officer, or his order regarding the entry is passed, and within one year after the settlement comes into effect ; and an order or entry recording, or omitting or refusing

[1] The present s. 69 was substituted by s. 4 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898), for the s. 69 substituted for the original section by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 19.

(Part III.—Of Survey and Settlement. Chapter VI.—Of certain Investigations by the Settlement-officer and the Preparation of the Record-of-Rights.)

to record, any land as sir-land under sub-section (2) shall be final unless and until it is reversed or modified on appeal or revision in accordance with the provisions of sections 22 to 26.

(5) The Settlement-officer shall, at the request of any proprietor, furnish him, free of cost, with a list of all the land which has been recorded as sir-land under this section, and is situated within the mahál or patti owned wholly or partly by such proprietor.

(6) All land not falling within the purview of section 4A, sub-section (1), shall be presumed, until the contrary is proved, not to be sír-land.

Explanation.—For the purposes of this section the word "proprietor" shall be deemed to include an assignee of proprietary rights, but not a málik-mákbuzá.]

Settlement-officer to decide disputes among share-holders regarding management of mahál;

70. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as to the granting of pattás, the ejectment of tenants, the realization and distribution of rents and other profits, the payment of land-revenue, village-expenses and other charges, and generally as to the control and management of the mahál; and shall decide all disputes and record all agreements regarding the matters mentioned in this section.

to determine through what lambardárs revenue shall be paid;

71. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor, or málik-mákbuzá shall be paid.

to ascertain status and rents of tenants.

72. The Settlement-officer shall ascertain, and record for each mahál, the status of all tenants occupying land therein, the lands respectively held by them, the conditions on which they respectively hold such lands, and the rents (if any) payable by them respectively.

Inquiry into claims to hold free from revenue as against the Government.

73. The Settlement-officer shall investigate all claims against the [1] [Government] to hold land free from revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free from revenue.

[1] The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(Part III.—Of Survey and Settlement. Chapter VI.—Of certain Investigations by the Settlement-officer and the Preparation of the Record-of-Rights.)

Power of State Government to make rules.

The [1] [State Government] may [2] [. . .] make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

Inquiry as to claims to hold free from revenue as against málguzárs.

74. When any land not being land which any person is entitled to hold free from revenue as against the [3] [Government] is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the other málguzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land, and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which the claimant is entitled to such exemption :

Provided that no decision under this section shall exempt any land from the payment of revenue, when the mahál in which such land is comprised is sold for arrears of revenue.

State Government may make rules for disposal of such cases.

The [1] [State Government] may make rules for the guidance of Settlement-officers in dealing with cases under this section.

Time from which orders under sections 73 and 74 take effect.

75. When the Settlement-officer decides, under section 73 or section 74, that land which has been held free from revenue, or at less than a full assessment, is liable to pay revenue, or to pay the same at enhanced rates, such decision shall take effect from the first day of the agricultural year next ensuing ; unless the [1][State Government] directs that the amount payable in respect of such land on account of the revenue accruing due within any one or more of the last preceding twelve years shall be realized.

Settlement-officer to decide what village-cesses are leviable ;

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village custom, and the persons by and from whom, and the rates at which, they are leviable ; and such cesses shall, if sanctioned by the [1] [State Government], be leviable accordingly.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "with the previous sanction of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

[3] The word "Crown" was substituted for the words "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(Part III.—Of Survey and Settlement. Chapter VI.—Of certain Investigations by the Settlement-officer and the Preparation of the Record-of-Rights.)

to determine certain disputes.

77. The Settlement-officer may determine disputes regarding any of the following matters (namely) :—

(*a*) the right of any lambardár, mukaddam, [1][. . .] village-watchman or other village-servant to any customary dues or other remuneration, and his liability to render any customary service in return for such dues or remuneration ;

(*b*) the rights of persons resident in the village, or holding lands comprised in the mahál, in or to the common land of the mahál and its produce and the village-site ;

(*c*) any customs relating to irrigation or to rights-of-way and other easements ;

(*d*) any other rights and customs which the [2][State Government] directs to be recorded in the administration-paper.

Procedure in cases under sections 68, 69, 70, 72 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter mentioned or referred to in sections 68, 69, [3][sub-section (1)], 70, 72 and 77, clauses (*b*), (*c*) and (*d*), the Settlement-officer shall decide it summarily after making such inquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party ; but in the case of every such dispute he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring maháls, a record-of-rights, and shall include in it—

(*a*) the results of the inquiries made undert his Chapter in respect of such mahál or group ; and

(*b*) any other matters which the [2][State Government] may, by rules in this behalf, direct to be entered in such paper.

State Government may make rules regarding record-of-rights.

80. The [2][State Government] may make rules prescribing the language in which the record-of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested in the matters to which they refer.

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[1] The word "patwari" was omitted by the Repealing and Amending (Rates and Cesses) Act, 1907 (Central Act IV of 1907).

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] This word and figure in square brackets were inserted by section 5 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898).

(Part III.—Of Survey and Settlement. Chapter VI.—Of certain Investigations by the Settlement-officer and the Preparation of the Record-of-rights.)

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a record-of-rights in manner hereinbefore prescribed, he shall, subject to any order issued by the [1] [State Government] in this behalf, make it over to the Deputy Commissioner for custody.

Effect of entries in record-of-rights.

82. When the record-of-rights is duly made and attested, all entries therein shall be presumed to be correct until the contrary is shown.

Suits to contest certain settlement decisions or entries.

83. Any person deeming himself aggrieved by any decision under section 78, or by any decision of the Chief Settlement-officer in appeal therefrom, or by any entry made in the record-of-rights as to any matter referred to in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended :

Provided as follows :—

when any suit under this section is instituted for the cancellation or amendment of an entry, the [1] [State Government], if it so desire and all persons interested in the entry, shall be made parties to the suit :

no persons by whom the record-of-rights was signed, and no persons claiming through or under them, shall, without the previous sanction of the [1] [State Government], institute any suit with a view to modify or set aside any entry relating to any matter mentioned in section 70 or section 77, clause (*b*), (*c*) or (*d*).

Revisions of record-of-rights by State Government.

84. After an assessment has been confirmed [2][. . .] the [1] [State Government] shall not exercise, in respect of any entry of the descriptions referred to in section 83 duly made in a record-of-rights prepared in connexion with such assessment and duly attested, the power of revision conferred by sections 25 and 31, unless it is proved that such entry was made inadvertently.

Proceedings regarding lands, the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the [1] [State Government] may direct.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "by the Governor-General in Council" were omitted by the Adaptation Order of 1937.

(Part III.—Of Survey and Settlement. Chapter VII.—Of Settlements made before this Act comes into force.)

CHAPTER VII.

OF SETTLEMENTS MADE BEFORE THIS ACT COMES INTO FORCE.

Former settlements deemed to have been made under this Act.

86. Settlements made before this Act comes into force shall be deemed, so far as may be, to have been made hereunder; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements hereunder shall apply in like manner to proceedings taken and records prepared before this Act comes into force.

Effect of awards of proprietary rights at such settlements.

87. When a Settlement-officer or Settlement Court has, at any settlement made before this Act comes into force, made an award of proprietary rights in any land, all claims, which after consideration by such officer or Court may have been expressly decided by him or it to be invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred both as against [1][the Government] and as against the persons last-mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court.

The award at any such settlement of proprietary rights in land to a widow shall be deemed to confer on her those rights only which, in accordance with the personal law to which she is subject, she would enjoy in land inherited by her from her husband.

When suits for proprietary rights will lie in Civil Courts.

88. Any person whose claim to proprietary rights in any land was not expressly decided by such officer or Court may sue in a Civil Court to establish such claim; and, if he can prove that, when proprietary rights in such land were awarded by such officer or Court to other persons, he was entitled to interests therein of the same nature as those upon consideration of which the award was made, the Civil Court may declare him entitled to a proprietary right of such nature and extent in the land as it may deem just.

State Government may allot waste-land to málik-mákbuzás entitled thereto.

89. When at any settlement made before this Act comes into force málik-mákbuzás have been declared entitled to a portion of the waste-lands comprised in any mahàl, the [2][State Government] may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the nature and extent of their interests therein and the conditions on which they may hold it.

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

PART IV.

Of Revenue—Administration.

CHAPTER VIII.

OF THE COLLECTION OF LAND-REVENUE.

Power of State Government to regulate payment of land-revenue.

90. Notwithstanding anything contained in the record-of-rights of any village, the [1] [State Government] may fix the number and amount of the instalments, and the times, places and manner, at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

Until the [1] [State Government] otherwise directs all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are payable when this Act comes into force.

"Arrear" "Defaulters."

91. When any sum payable under a settlement or sub-settlement [2] [. . .] is not paid within the time at which it is payable under section 90, such sum shall be deemed to be an arrear, and all the persons with whom such settlement or sub-settlement [2] [. . .] was made, their representatives and assigns, shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this Act.

[3] [*Explanation.*—The term "assigns" in this section includes a mortgagee in possession and a thíkadár.]

Avoidance of attachments and executions which forestall land-revenue.

[4] [**91-A.** Without the previous consent of the Deputy Commissioner or of such officer, not being below the rank of Táhsildár, as he may appoint in this behalf, the rents and profits of a mahál or málik-mákbuzá holding and the produce of a survey-number shall not be liable to be attached or taken in execution of a decree or order of any Court until the land-revenue chargeable against such rents, profits or produce, and any arrear due in respect of the mahál, holding or survey-number, have been paid.]

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "or otherwise under an assessment made in accordance with this Act," and the words "or such assessment" which were inserted in s. 91 by s. 20 of the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), are omitted, as s. 20 has since been repealed by s. 13 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898).

[3] This *Explanation* was inserted by s. 6 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898).

[4] Section 91-A was inserted by s. 7 *ibid.*

(Part IV.—Of Revenue—Administration. Chapter VIII.—Of the Collection of Land-revenue.)

Realization of Revenue from Màlguzàrs.

Tàhsildar's statement of account to be conclusive evidence of arrear.

92. A statement of account, authenticated by the signature of the Tàhsildàr, shall, for the purposes of this Chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who, in respect thereof, are defaulters.

Notice of demand.

93. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters.

Processes for recovery of arrears.

94. An arrear payable directly to Government may be recovered by any one or more of the following processes :—

(*a*) by arresting the defaulter and imprisoning him in the civil jail ;

(*b*) by attaching and selling his movable property ;

(*c*) by attaching the mahàl in respect of which the arrear has accrued or the share or land of any màlguzàr who has not paid the portion of the revenue which, as between him and the other màlguzàrs, is payable by him, and taking the same mahàl, share or land under direct management ;

(*d*) by transferring the share or land of any màlguzàr who has not paid such portion to any màlguzàr who has paid the same, or, if every such màlguzàr declines to accept such share or land, to any person having a mortgage or charge upon the same, and who consents to accept it ;

(*e*) by annulling the settlement of the mahàl in respect of which the arrear has accrued, and taking such mahàl under direct management or farming the same ;

(*f*) by selling such mahàl, or the share or land of any màlguzàr who has not paid the portion of the revenue aforesaid ;

(*g*) by selling immovable property belonging to the defaulter other than the land in respect of which the arrear has accrued ;

[1](*h*) in the case of a raiyat who has accepted the assessment of a survey-number, by ejecting him from his holding :

Provided as follows :—

(1) the process mentioned in clause (*a*) shall not be issued against any female, minor, lunatic or idiot ;

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[1] Clause (*h*) was inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 21.

(2) the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) shall not be enforced without the previous sanction of the [1][State Government];

(3) no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing in respect of land whilst it is under attachment or under charge of the Superintendent of Government Wards, or held under direct management, or let in farm in accordance with any of the provisions of this Act.

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.

Arrest and imprisonment for recovery of arrear.

95. The process mentioned in section 94, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsil.

If, when the defaulter arrives at the tahsil, the arrear is still unpaid, the Tahsildàr may order him to be taken before the Deputy Commissioner, or may keep him under personal restraint at the tahsil for a period not exceeding ten days, unless within such period the arrear is paid, and may then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

Imprisonment of defaulter in civil jail.

96. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer-in-charge of the civil jail of the district, directing him to confine the defaulter in such jail, for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit unless within such period the arrear is paid.

Procedure in sales of movable property.

97. Attachments and sales of movable property made under this Chapter shall be conducted as nearly as may be according to the law for the time being in force for the attachment and sale of movable property under the decree of a Civil Court.

Management of mahál, share or land attached under section 94 (*c*).

98. After causing any attachment to be made under section 94, clause (*c*), the Deputy Commissioner shall issue a proclamation declaring the attachment to be in force, and shall take the attached mahàl, share or land under his own management, or place it under the management of any agent whom he may appoint for the purpose.

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1 The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Part IV.—Of Revenue—Administration. Chapter VIII.—Of the Collection of Land-revenue.)

Effect of attachment.

99. During the continuance of an attachment under section 98, the defaulter shall be excluded from possession of the land attached, and the Deputy Commissioner or the agent appointed by him shall have all their rights to manage the land and to realize the rents and profits arising therefrom, and shall be bound by all their liabilities as màlguzàrs or proprietors to any subordinate proprietors or tenants of such land.

Profits of land how applied.

100. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue becoming due in respect of such land during the attachment, and next, to discharging the arrear for the recovery of which the attachment was made.

Attachment when to cease.

101. The attachment shall continue until the arrear is paid or realized from the profits of the land attached, or the Deputy Commissioner reinstates the defaulters in possession :

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

Transfer under section 94 (*d*).

102. When it is proposed to execute the process mentioned in section 94, clause (*d*), the persons to whom the share or land in respect of which the arrear is due is to be transferred shall be required to pay such arrear, or to secure its payment to the satisfaction of the Deputy Commissioner.

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the [1][State Government].

Joint and several liability not affected by transfer.

No proceedings taken under this section shall affect the joint and several liability of the màlguzàrs of the mahàl for arrears accruing in respect of such mahàl subsequently to the transfer of the share or land, except that, as regards all such arrears, the transferee shall stand in the place of the màlguzàr whose share or land is transferred.

Procedure after receipt of sanction to annulment of settlement.

103. When the [1][State Government] sanctions the annulment of the settlement of any mahàl, the Deputy Commissioner shall proclaim such annulment, and may then exclude the defaulters from the possession of the mahàl, and either manage the mahàl or any portion thereof himself or through an agent, or let the mahàl or any portion thereof in farm for such term and on such conditions as the [1][State Government] directs :

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Provided that no management or farm under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

After the date of such proclamation no liabilities shall accrue under the settlement so annulled; but such annulment shall not affect anything done or any liability incurred under the settlement before such date.

Case of a portion of a mahàl being managed or farmed.

104. When a portion only of the mahàl is managed or let in farm under section 103, the rest of such mahàl shall be separately re-settled with the proprietors thereof for the remainder of the term of settlement.

Settlement on expiry of management or farm.

105. As soon as the management or farm of any mahàl or portion thereof has come to an end, the Deputy Commissioner shall offer to the persons entitled under section 49 to an offer of assessment a new assessment of the land, on such conditions as the [1][State Government] may direct, for the remainder of the term of the settlement of the mahàl; and, if such offer is refused, may, with the previous sanction of the [1][State Government], let such mahàl or portion in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

Effect of annulment of settlement.

106. No leases, liens or other incumbrances created by the defaulters, or by any person through or under whom they claim, of or upon any land managed or let in farm under this Act, shall, during such management or farm, be binding upon the Deputy Commissioner or Settlement-officer, his agent or lessee.

Saving of rights in sir-land.

107. No defaulter shall be deprived of the possession of his sir-land in the execution of any of the processes mentioned in section 94, clauses (*c*), (*d*) and (*e*); but every such defaulter shall, while such process is being enforced, be entitled to retain possession of, and liable to pay rent for such land as if he were an absolute occupancy-tenant, at such rent as may be fixed by the Deputy Commissioner.

Nature of estate taken by purchaser of land sold for arrears due thereon.

108. Unless the [1][State Government] in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all leases, liens and other incumbrances; and all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Part IV.—Of Revenue—Administration. Chapter VIII.—Of the Collection of Land-revenue.)

Nothing in this section shall—

(*a*) affect the rights of any proprietor, superior or inferior to the defaulters, or of any màlik-màkbuzà or occupancy-tenant, who does not derive his rights as such proprietor, màlik-màkbuzà or tenant from express contract with such defaulters, or any person through whom they claim ; or

(*b*) apply to lands held under leases at fair rents for the erection thereon of dwelling-houses, places of worship or manufactories, or for working mines, minerals, coals and quarries, or for laying out and maintaining gardens and burial-grounds, or for constructing tanks and canals, so long as the lands continue to be used for the purposes specified in such leases respectively ; or

(*c*) deprive any defaulter whose property is sold of the rights in respect to his sir-land conferred by any law for the time being in force.

The [1][State Government] may, from time to time, determine what rents shall be deemed to be fair rents within the meaning of this section.

Rules for sale of immovable property.

109. When immovable property is sold under this Act, the rules prescribed in sections 287, 288, 293 and 306 to 316, both inclusive, of the Code of Civil Procedure [2] shall be followed, except in the following particulars (that is to say) :—

Central Act XIV of 1882.

(*a*) the defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed ;

(*b*) the proclamation directed by the said section 287 shall, when the sale is under clause (*f*), section 94 of this Act, declare that, subject to the provisions of section 108, the full proprietorship, or superior or inferior proprietorship, as the case may be, is to be sold free from all leases, liens and other incumbrances, and the certificate mentioned in section 316 of the said Code shall contain a similar statement ;

(*c*) the last two clauses of the said section 287 shall not apply ;

(*d*) an appeal from any order under section 312 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of the Division, and an appeal from the Commissioner's order on such appeal shall lie to the [1][State Government] ;

(*e*) the Deputy Commissioner may, from time to time, postpone any sale which he has proclaimed, reporting such postponement to the Commissioner of the Division ;

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was subetituted for "Provincial" by the Adaptation Order of 1950.

[2] *See* now the Code of Civil Procedure, 1908 (Central Act V of 1908).

(*f*) section 309 of the said Code shall be read as if after the words "for such payment" the words "and every sale of such property made after a postponement" were added;

(*g*) section 313 of the said Code shall not apply to sales under section 94, clause (*f*) of this Act;

(*h*) section 316 of the said Code shall be read as if the words "The Deputy Commissioner shall place the purchaser in possession of the lands which he has purchased" were added thereto.

Pre-emption at sales.

110. In the course of a sale under section 94, clause (*f*), if the property is knocked down to a stranger, the following persons may claim to take it at the sum last bid in the following order:—

(*a*) any màlguzàr who has paid the revenue which as between him and the other màlguzàrs is payable by him;

(*b*) if the superior proprietorship is sold, the inferior proprietor;

(*c*) if the inferior proprietorship is sold, the superior proprietor:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant undertakes to fulfil all the conditions of the sale binding on the purchaser.

Application of proceeds of sale of immovable property.

111. The proceeds of every sale in execution of any process mentioned in section 94 shall be applied first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear due to Government by the defaulter; and the surplus, if any, shall then be payable to him, or, where there are more defaulters than one to such defaulters according to their respective shares in the property sold.

Costs recoverable as part of arrear.

112. The costs of serving a notice of demand under section 93 and of enforcing any process mentioned in section 94 shall be recoverable as part of the arrear in respect of which the notice was served and the process was issued.

Matters as to which State Government may make rules.

113. The [1][State Government] may make rules—

(*a*) for the guidance of Revenue-officers in issuing notices of demand under section 93 and executing the processes mentioned in section 94;

(*b*) defining the classes of officers by whom the processes mentioned in section 94, clauses (*a*) and (*b*), may be enforced;

[1] The words "Provincial Government" were substituted for the words 'Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(*c*) prescribing the agency by which any of the processes issued under section 94 shall be executed.

Remedies open to person denying that sum demanded as an arrear is due.

114. Notwithstanding anything contained in section 92, when proceedings are taken under this Act for the recovery of an arrear, the person against whom such proceedings are taken may, if he denies that the arrear or any part thereof is due, pay the same under protest made at the time of payment and duly signed by him or by his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Realization of Revenue by Málguzárs.

Limitation of right to set off, etc., in suit for arrears.

115. In a suit for the recovery of an arrear of revenue not being revenue payable directly to Government, and in a suit brought by a lambardár to recover the amount of any revenue payable to Government through him, the defendant shall not, except with the permission of the Court,—

(*a*) set off against the plaintiff's demand any sum of money recoverable by him from the plaintiff; or

(*b*) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

Recovery of arrear through Deputy Commissioner instead of by suit.

116. Any lambardár or sub-lambardár entitled to recover an arrear, of any málguzár to whom such an arrear is due under a sub-settlement, may, before instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of revenue payable directly to Government.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons, who would be defendants if a suit were instituted for the recovery of such arrear, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section 114 in respect of an arrear as to which an order has been made under this section.

No person on whose account the Deputy Commissioner proceeds under this section to recover an arrear shall thereby be relieved of his responsibility for such arrear.

Central Act XV of 1877.

Saving of right of málguzár to demand revenue of land assessed to revenue and held free.

117. Nothing in the Indian Limitation Act, 1877, [1] and no agreement made after this Act comes into force, shall bar the right of the málguzárs of any mahál assessed with land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment, has been held by any person without payment of revenue.

[1] *See* now the Indian Limitation Act, 1908 (Central Act IX of 1908).

(Part IV.—Of Revenue—Administration. Chapter VIII.—Of the Collection of Land-revenue. Chapter IX.—Of Revenue and Village Records.)

The [1][State Government] may, in [2][its] discretion, exempt any case from the operation of this section.

Limitation in suits for revenue.

118. No suit for the recovery of revenue payable under a settlement or sub-settlement shall be instituted after three years reckoned from the date on which such revenue becomes payable.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.[3] Central Act XV of 1877.

Interest on Arrears.

Interest on arrears.

119. Interest shall not be charged on an arrear of revenue unless the [1][State Government], by general or special order, so directs :

Provided that the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

CHAPTER IX.

Of Revenue and Village Records.

Correction of record-of-rights.

120. Any entry in the record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion. Such correction may be made on one or more of the following grounds, and on no others :—

(*a*) that all persons interested in such entry wish to have it corrected ; or

(*b*) that by a decree in a suit brought under section 83 it has been declared to be erroneous ; or

(*c*) that, being founded on a decree or order of a Civil Court or on the order of a Revenue or Settlement-officer, it is not in accordance with such decree or order ; or

(*d*) that, being founded on such decree or order, the order or decision has subsequently been modified on appeal or review, or has been revised by the [1][State Government].

Revision of record in accordance with provision therein contained.

121. The Deputy Commissioner may revise a record-of-rights when such revision is provided for in such record.

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[1]The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2]This word was substituted for the word "his" by the Adaptation Order of 1937.

[3]*See* now the Indian Limitation Act, 1908 (Central Act IX of 1908).

(Part IV.—Of Revenue—Administration. Chapter IX.—Of Revenue and Village Records.)

Powers of Deputy Commissioner as to correction of entry or revision of record.

122. When the Deputy Commissioner takes proceedings for the correction of any entry in the record-of-rights or for the revision of such record-of-rights, he shall exercise, for the purpose of such correction or revision, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

Power to direct that rule or custom entered in record-of-rights shall be enforced by Government.

123. The [1][State Government] may, [2][. . . .] by notification in the official Gazette, direct that any specified rule, custom or condition duly entered in the record-of-rights of any specified village shall be enforced by the Government.

Punishment for violation of such rule or custom.

If any of the persons with whom a settlement or sub-settlement has been made violate or neglect any rule, custom or condition with respect to which the [1][State Government] has made a direction under this section, the Deputy Commissioner may, if no penalty is provided by any law for the time being in force for such violation or neglect, recover from such person a penalty not exceeding two hundred rupees.

Suit to set aside proceedings under section 123.

124. Any person against whom proceedings have been taken under section 123 may institute a suit against [3][the State Government] to set aside such proceedings on the ground that no rule, custom or condition was, in fact, violated or neglected. If the Court finds that no rule, custom or condition has been violated or neglected, it may by its order annul such proceedings and direct that any penalty paid by the plaintiff be refunded; and may also award to him such costs as he has necessarily incurred in the proceedings, and such further sum as compensation as it thinks fit.

Powers to control management of forests.

[4][**124-A.** (1) When under any record-of-rights or sanad or any agreement with [5][the Government] the proprietor or the superior or inferior proprietor of any forest-land included within, or forming, a mahàl is bound to manage such forest-land in accordance with rules or instructions prescribed by any Government officer, the [1][State Government] may make rules regarding the control and management of such forest-land.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "in his discretion" were omitted by the Adaptation Order of 1937.

[3] The words "Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[4] This section was inserted by section 22 of the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889).

[5] The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(2) If the proprietor, or the superior or inferior proprietor, as the case may be, fails to observe the rules so made, the Deputy Commissioner may issue a notice calling on him to show cause, within a reasonable time to be specified in the notice why he should not be excluded from the possession of the forest-land.

(3) If no sufficient cause is shown, the Deputy Commissioner may, with the previous sanction of the [1] [State Government], exclude such proprietor from the possession of the forest-land, and assume the direct management thereof for a term to be fixed by the [1] [State Government].

(4) The costs of management shall be borne by the proprietor, or by the superior and inferior proprietors in such proportions as the [1] [State Government] may direct with reference to the amount of their respective interests in the forest or mahàl, and shall be realizable as land-revenue.

(5) The profits of such forest-land while under direct management shall be paid to the proprietor, or to the superior and inferior proprietors in the proportions in which the costs of management are borne by them.

(6) No leases, liens, incumbrances or contracts created or made by the proprietor or by any person through or under whom he claims, of, upon or with respect to the forest-land held under direct management, shall be binding upon the Deputy Commissioner during such management.

(7) The Deputy Commissioner may confiscate any timber or other forest-produce cut or removed in contravention of the rules made under sub-section (1).

(8) On the expiration of the period fixed for the direct management, the forest-land shall be restored to the proprietor, or superior or inferor proprietor, as the case may be.]

Powers of State Government as to registration of changes after preparation of record-of-rights.

125. The [1] [State Government] may—

(*a*) direct that the mukaddam of each village shall, for the purpose of showing the changes occurring therein [2] [from time to time], prepare or, where there is a patwari, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner as the [1] [State Government] may, from time to time, prescribe ;

(*b*) lay down the procedure to be followed in order to ascertain that a change has occurred in the village, and the nature of such change.

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "subsequently to the preparation of the record-of-rights" by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 23.

(Part IV.—Of Revenue—Administration. Chapter IX.—Of Revenue and Village Records.)

All changes referred to in this section shall be recorded in such registers as the [1][State Government] appoints, and not in the record-of-rights, and the [1][State Government] may direct that, before any specified changes are recorded, the order of a specified Revenue-officer shall be obtained in this behalf.

Possession of proprietary rights to be notified.

126. All persons lawfully entering into possession of proprietary rights and interests in any land shall, within a reasonable time, give notice of such entry to the Tahsíldar of the tahsíl in which such land is situated.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the [1][State Government] shall be final.

Notice to be given by guardian in case of minority or idiotcy.

If the person so entering is a minor, lunatic or idiot, the guardian or other person who has charge of his property shall give the notice required by this section.

Fine for neglect to give notice of possession.

127. Any person neglecting to give the notice required by section 126 shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues.

Obligation to aid in preparation of village-papers.

128. All persons being in possession of proprietary rights in land shall, on being so required by the Deputy Commissioner, prepare, or cause to be prepared, such papers, and furnish such information, as may be required for the preparation of the village-papers prescribed under section 125.

Fees for recording changes; from whom leviable.

129. The [1][State Government] may direct that fees shall be leviable when changes are recorded under the last clause of section 125, and may fix the amount of such fees.

All fees so leviable shall be levied from the person in whose favour the change is made.

Annual inquiry regarding land held free from revenue.

130. The Deputy Commissioner shall in each year make inquiry regarding all cases in which land has been granted by [2][the Government] conditionally or for a time, free, wholly, or in part from the payment of revenue.

Procedure on breach of conditions of grant.

If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee he shall report the case through the Commissioner of the division for the orders of the [1][State Government], who may direct that the land be assessed, or may pass such other order as [3][it] thinks fit.

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[3] This word was substituted for the word "he" by the Adaptation Order of 1937.

Procedure on expiry of term of grant.

If it appears to the Deputy Commissioner that the term of any such grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold the land comprised in the grant, free from revenue, or at less than full revenue-rates, has died, he shall assess the same, and shall report his proceedings through the Commissioner of the division for the sanction of the [1] [State Government].

Inspection of revenue-records.

131. All records kept under this Act shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the [1] [State Government] from time to time directs.

CHAPTER X.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE OFFICERS.

Purposes for which when settlement is not in progress Deputy Commissioner shall exercise Settlement-officers' powers.

132. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on Settlement-officers for the following purposes :—

(*a*) causing boundary-marks to be erected or repaired, and recovering the cost of such erection and repair ;

(*b*) assessing land revenue on lands which are liable to assessment, but have not been assessed ;

(*c*) declaring any local area to be a mahāl ;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be re-admitted ;

(*e*) settling mahāls in respect of which an application has been made under the third proviso to section 56 ;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the mālguzārs ;

(*g*) assessing lands gained by alluvion ;

(*h*) ascertaining and recording village-cesses which are levied when this Act comes into force, but have not been recorded at the settlement ;

[2] (*i*) inquiring into the claims of thíkadārs, gaontias or farmers, declaring them to be protected for the purposes of section 65-A, and, generally, carrying out the provisions of that section ; and

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] Clauses (*i*) and (*j*) were substituted by s. 8 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898), for the cl. (i) which was added by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 24.

(Part IV.—Of Revenue—Administration. Chapter X.—Of certain Additional Powers and Functions of Revenue Officers.)

[1] (*j*) declaring, either on his own motion or on a reference made by a Court or Revenue-officer, land to be sír-land under the provisions of section 69, sub-section (2), clause (*b*), and the provisos thereto.

Purposes for which officers may be invested with settlement officers' powers.

133. The [2][State Government] may, during the currency of a settlement, invest any officer with, [3][any] of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section 56.

Cognizance of, and penalty for, offence of injuring boundary-marks.

134. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldár or Nàib Tahsíldàr empowered by the [2][State Government] in this behalf to pay to the officer making the order, in addition to any fine to which such person would be liable under section 434 of the Indian Penal Code, such sum, not exceeding fifty rupees, as may, in the opinion of such officer, be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, removal or damage.

Procedure when person injuring cannot be found.

135. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers [4][or, in the case of regularly settled raiyatwári villages, of the raiyáts] of such one or more of the adjoining lands as the Deputy Commissioner thinks fit.

136. [*Partition of a mahál into two mahâls.*] *Rep., Central Act XVI of* 1889, *s.* 26.

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[1] Clauses (*i*) and (*j*) were substituted by s. 8 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898), for the cl. (*i*) which was added by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), *s.* 24.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] This word was substituted for the words and figures "the powers conferred on a Settlement-officer by sections 40, 41 and 42; or, with the sanction of the Governor-General in Council, with any other" by the Adaptation Order of 1937.

[4] These words were inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 25.

CHAPTER X-A.[1]

PARTITION.

Perfect and Imperfect partition.

Perfect and imperfect partition.

136. (1) Partition is either perfect or imperfect.

(2) Perfect partition means the division of a mahál into two or more maháls.

(3) Imperfect partition means the division of a mahál into two or more pattis jointly responsible for the revenue assessed on the whole mahál.

Persons entitled to imperfect partition.

136-A. Any recorded co-sharer of a mahál and any person in whose favour a decree has been passed awarding to him a proprietary interest in a mahál, whether such interest consists of a fractional share in the whole mahál or a part of the mahál or of specific lands, is entitled to claim at any time imperfect partition of his share.

Persons entitled to perfect partition.

136-B. Any recorded co-sharer in a mahál, not being a mahàl—

(*a*) in the Sambalpur District, or

(*b*) held by superior and inferior proprietors and which the [2][State Government] by rule declares to be incapable of perfect partition,

whose share, saving such part of it as may be impartible, has been completely separated from the rest of the mahál and is held by him in severalty, is entitled to claim perfect partition of his share at the time of settlement of such mahál.

Jurisdiction of Civil Court barred as to partition.

136-C. No Civil Court shall entertain any suit or application for the imperfect or perfect partition of a mahál.

Imperfect partition.

Applications for imperfect partition to be made to Deputy Commissioner.

136-D. (1) Applications for imperfect partition shall be made in writing to the Deputy Commissioner of the district in which the mahál is situate.

(2) If the mahál is situate in two or more districts, the application may be made in any one of those districts, and the partition shall be made by such one of the Deputy Commissioners of those districts as the [2][State Government] may direct.

Procedure on receipt of application.

136-E. (1) The Deputy Commissioner on receiving an application for imperfect partition shall, if the application be

[1] Chapter X-A was inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 26.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

in order, and not open to objection on the face of it, publish a notification of the same at his office and at some conspicuous place on the mahál to which the application relates, and shall serve a notice on all such of the recorded co-sharers in the mahál as have not joined in the application, requiring any co-sharer in possession who may object to the partition to appear before him to state his objection either in person or by a duly authorized agent on a day to be specified in the notice, not being less than thirty or more than sixty days from the date on which such notice was issued.

(2) Where from any cause notice cannot be personally served on any co-sharer, the notification shall be deemed sufficient notice under this section.

Objection to partition.

136-F. If on or before the day specified any objection is made to the partition by any co-sharer in possession, and the Deputy Commissioner on a consideration of such objection is of opinion that there is good and sufficient reason why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

Objection raising question of title.

136-G. (1) If the objection raises any question of title or of proprietary right which has not been already determined by a Court of competent jurisdiction, the Deputy Commissioner may either decline to grant the application until the question in dispute has been determined by a competent Court, or may proceed to inquire into the merits of the objection.

(2) In the latter case the Deputy Commissioner, after making the necessary inquiry and taking such evidence as may be adduced, shall record a judgment declaring the nature and extent of the interests of the party or parties applying for the partition, and of any other party or parties who may be affected thereby.

Central Act XIV of 1882.

(3) The procedure to be observed by the Deputy Commissioner in trying such cases shall be that laid down in the [1] Code of Civil Procedure for the trial of original suits, and he may, with the consent of the parties, refer any question arising in such case to arbitration, and the provisions of Chapter XXXVII of the same Code [1] relative to arbitration shall apply to such references.

Effect of Deputy Commissioner's orders in such cases and appeal therefrom.

136-H. (1) All decrees and orders passed by the Deputy Commissioner under the last foregoing section deciding the rights of parties shall be held to be decrees and orders of a Court of Civil Judicature, and shall be open to appeal as if passed by the Court of the Deputy Commissioner acting as a

Central Act VI of 1885.

[1] *See* now the Code of Civil Procedure, 1908 (Central Act V of 1908).

Court of Civil Judicature of first instance under the Central Provinces Civil Courts Act, 1885.[1]

(2) Upon such appeal being made, the Court of appeal may issue a precept to the Deputy Commissioner directing him to stay the partition pending the decision of the appeal.

Second appeal in such cases.

136-I. From any decree or order passed under the last foregoing section by a Commissioner sitting as a Court of appeal, a second appeal shall, where a second appeal is by law allowed, lie to the [2] [High Court] under the law for the time being in force relating to second appeals to that Court.

Option to parties to make partition themselves or appoint arbitrators.

136-J. When it has been decided to make a partition under this Chapter, the Deputy Commissioner may give the parties the option of making the partition themselves, or of appointing arbitrators for the purpose, or he shall make the partition himself.

Proceeding to be recorded by the Deputy Commissioner before making partition.

136-K. Before commencing to make the partition, the Deputy Commissioner shall record a proceeding specifying the lands held in severalty, if any, and the land held in common, and laying down the principles to be followed in making the partition, with particulars of the method on which such principles are to be applied.

Each patti to be made as compact as possible.

136-L. (1) The pattí of each sharer shall be made as compact as possible :

Provided that so far as may be compatible with fairness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

(2) No partition shall be disallowed solely on the ground of incompactness.

Rule when house of one sharer is included in the pattí of another.

136-M. (1) If in making the partition it be necessary to include in any pattí the land occupied by a dwelling-house or other building in the possession of another co-sharer, such other co-sharer shall be allowed to retain it, with any buildings thereon, on condition of his paying a reasonable ground-rent for it to the sharer into whose pattí it may fall.

(2) The limits of such land and the rent to be paid for it shall be fixed by the Deputy Commissioner.

Sir-land belonging to one sharer not to be included without his consent in the patti of another sharer.

136-N. (1) No sir-land belonging to any co-sharer shall be included in the pattí assigned on partition to another co-sharer, unless with the consent of the co-sharer who cultivates it or unless the partition cannot otherwise be conveniently carried cut.

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[1] Central Act XVI of 1885 has been repealed by Central Provinces Courts Act, 1904 (Central Act II of 1904).

[2] These words were substituted for the words "Court of the Judicial Commissioner" by the Adaptation Order of 1937.

(2) If such land be so included and after partition such co-sharer continues to cultivate it, he shall be recorded as an occupancy-tenant in respect of such land, and his rent shall be fixed by order of the Deputy Commissioner.

Rule as to tanks, wells and other irrigation works.

136-O. (1) Tanks, wells, water-courses and embankments shall be treated as attached to the land for the benefit of which they were originally made.

(2) Where, from the extent, situation or construction of such works, it is found necessary that they should continue the joint property of the proprietors of two or more of the pattīs into which the mahál may be divided, the Deputy Commissioner shall determine the extent to which the proprietors of each pattī may make use of the said works, and the proportion of the charges for repairs of such works to be borne by such proprietors respectively, and the manner in which the profits, if any, derived from such works shall be divided.

Rule regarding places of worship and burial-grounds.

136-P. (1) Places of worship and burial-grounds held in common previous to the partition of a mahàl shall continue to be so held unless the parties otherwise agree among themselves.

(2) In such cases they shall state in writing the agreement into which they have entered, and such writing shall be filed with the record.

Deputy Commissioner may dismiss case for non-payment of costs or may quash proceedings.

136-Q. (1) If the costs to be paid by the applicant for partition are not paid within a time to be fixed by the Deputy Commissioner, the case may be dismissed.

(2) If at any stage of the proceedings there appears to be any reason for stopping the partition, the Deputy Commissioner may stay the partition and order the proceedings to be quashed, recording his reasons for so doing.

Commissioner's sanction to partition necessary.

136-R. On completion of the partition, the Deputy Commissioner shall submit the proceedings to the Commissioner, who may either uphold the partition proposed or modify it or quash the proceedings, and a partition shall not take effect until it has been sanctioned by him.

When partition sanctioned notification to be published.

136-S. (1) On a partition, being sanctioned by the Commissioner, the Deputy Commissioner shall publish a notification of the fact at his office and at some conspicuous place in the village or villages of the mahàl of which partitional pattīs formed part.

(2) The partition shall take effect from the first day of the agricultural year next after the date of such notification.

Perfect Partition.

Applications for perfect partition to be made to Settlement-officer.

136-T. (1) Applications for perfect partition shall be made, in such form as may be prescribed by the [1] [State Government], to the Settlement-officer charged with the settlement of the area in which the mahàl is situate.

(2) Such applications must show that the share which it is desired to have formed into a separate mahàl is already held in severalty saving such portion of it as may be impartible. An application failing to show this shall be rejected.

Settlement-officer may declare shares in mahàls to be separate mahàls.

136-U. (1) Subject to any rules which may be made by the [1][State Government], the Settlement-officer, if he is satisfied of the truth of the matters stated in the application, may, if he thinks fit, declare the share to be a separate mahàl, and may assess it separately to land-revenue :

Provided that no share shall be declared to be a separate mahál till the proprietors of other shares in the mahál have been given an opportunity of objecting to its perfect partition.

(2) Except with the sanction of the Commissioner, an incompact estate shall not be declared to be a separate mahàl.

Supplemental Provisions.

Power to make rules regarding partition proceedings.

136-V. The [1] [State Government] may make rules regarding—

(*a*) the form in which applications for partitions shall be made ;

(*b*) the procedure to be followed in referring matters to arbitrators and in giving effect to the award of arbitrators ;

(*c*) the costs of partition and the mode in which costs are to be apportioned ; and

(*d*) generally, for carrying out the provisions of this Chapter.

Partition may be effected by distribution of mahàls.

[2] **136-W.** Notwithstanding anything contained in this Chapter, when an estate, in respect of the whole or part of which imperfect partition is sought, consists of two or more mahàls, or shares in two or more mahàls, the partition may be effected by the distribution of such mahàls or shares between the co-sharers, without imperfect partition of the mahàls or shares, or partly by such distribution and partly by imperfect

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The present s. 136 W was inserted by s. 9 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898), in place of the former section, which was inserted as part of Ch. X-A by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), but which was repealed by the Repealing and Amending Act, 1891 (Central Act XII of 1891).

partition, as the Deputy Commissioner may, of his own motion, or on the application of the parties, deem fit. In making the partition referred to in this section, the Deputy Commissioner shall be guided by the provisions of this Chapter so far as they are compatible with the distribution as aforesaid.

CHAPTER XI.

VILLAGE-OFFICERS AND PATWARIS.

Power to make rules as to officers.

137. The [1] [State Government] may make rules regulating the appointment, remuneration, suspension and removal of lambardárs, sub-lambardàrs, [2] [mukaddams and patéls] :

Provided that, except with the previous sanction of the [3] [State Government], proprietors, other than málik-mákbuzás, shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent on the land revenue which is assessed on their land, or which, when their land is free from revenue, would in the judgment of the Deputy Commissioner, be assessed on their land if it were subject to assessment.

In framing rules for the appointment under this section of lambardárs and sub-lambardárs for any mahál, the [1] [State Government] shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the record-of-rights of such mahál.

[4] [The lambardár of the village shall ordinarily also be the mukaddam. When a lambardár who does not reside in the village is appointed mukaddam thereof, he shall, subject to the approval of the Deputy Commissioner, appoint an agent to perform the duties of a mukaddam. If there are resident co-sharers in the village the non-resident lambardár shall

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "and mukaddams" by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 27 (1).

[3] The words "Provincial Government" were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937 and the word "State" was substituted for Provincial by the Adaptation Order of 1950.

[4] These paragraphs were substituted for the original last paragraph by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 27 (2). That paragraph was as follows :—

"In every village in which there are resident màlguzàrs, one of such màlguzàrs shall be the mukaddam."

appoint one of them to be his agent unless the Deputy Commissioner for special reasons allows him to appoint some other person. If a mukaddam fails within a reasonable time to appoint an agent with the approval of the Deputy Commissioner, the Deputy Commissioner shall himself appoint an agent and shall fix the amount of his remuneration, which shall be paid to him by the mukaddam.

An agent appointed under this section shall be deemed to have the powers conferred on, and to be responsible for the performance of the duties prescribed with regard to mukaddams by this Act and the rules made hereunder.

Any fine imposed on such agent for a breach of the provisions of this Act or the rules made hereunder may be recovered from the mukaddam whose agent he is by the Deputy Commissioner.

In a raiyatwári village the patél shall ordinarily be the mukaddam.]

Duties of lambardárs.

138. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government treasury so much of the land-revenue as may under section 71 be payable through him either solely or jointly with other lambardárs or sub-lambardárs ;

(*b*) to collect and pay to the mukaddam, or into the Government treasury, as the Deputy Commissioner may direct, all sums of money payable through him, either solely or jointly with other lambardárs or sub-lambardárs by the proprietors whom he represents, on account of the remuneration of the mukaddam [1] * or village-watchmen, or on account of any expenses which the mukaddam is authorized to recover from the lambardárs or sub-lambardárs of his village ;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

Lambardárs may recover fees and other charges from proprietors.

139. Together with the land-revenue, lambardárs and sub-lambardárs may recover from the proprietors whom they respectively represent—

(*a*) any remuneration to which they are entitled as such, and

(*b*) the sum which, under section 138, they are bound to pay to mukaddams :

Provided that no such recovery shall be made from málik-mákbuzás paying a percentage which includes remuneration to mukaddams and lambardárs.

[1] The word "patwaris" was repealed by the Repealing and Amending (Rates and Cesses) Act, 1907 (Central Act IV of 1907).

(Part IV.—Of Revenue—Administration. Chapter XI.—Village-officers and Patwaris.)

Deputy Commissioner may alter channel through which málik-mákbuzá pays revenue.

140. On the application of any málik-mákbuzá or other like holder of land, or of the lambardár or sub-lambardár through whom such málik-mákbuzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, order that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid into the Government treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made into the Government treasury, such portion of the percentage fixed under section 64 as the Deputy Commissioner subject to the control of the [1] [State Government], may determine, shall be so paid, and the málik-mákbuzá or other person shall pay the rest to the mukaddam on account of their fees and other village-expenses.

Duties of mukaddams.

141. It shall be the duty of every mukaddam—

(*a*) to control and superintend the [2] * * * * village-watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of his village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to report and, if possible, to prevent encroachments on the public paths and roadways in his village;

(*d*) to preserve such stations and marks erected in his village by Government surveyors as may be made over to his care;

(*e*) subject to any rules issued by the [1][State Government] to keep his village in good sanitary condition;

(*f*) to report violations of any rules which the [1] [State Government] may make for the preservation of underwood, forests and trees growing on the village-lands, and for securing to persons entitled to cut wood and enjoy other privileges in the waste-lands of the village the rights to which they are entitled;

(*g*) to collect, or aid in the collection of, all payments due to Government in his village;

(*h*) to report all births and deaths taking place in his village.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "village-patwari and" were repealed by the Repealing and Amending (Rates and Cesses) Act, 1907 (Central Act IV of 1907).

(Part IV.—Of Revenue—Administration. Chapter XI.—Village-officers and Patwaris.)

The [1] [State Government] may make rules—

(1) adding to the list of duties which a mukaddam is required to perform under this section ; and

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*) in respect of such village, and for apportioning such charges among such persons ; and

(3) determining the officers to whom reports under this section shall be made.

Liabilities imposed by law on landholders to attach to mukaddams.

142. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act :

Provided that nothing herein contained shall discharge landholders, their managers or agents or the like from any liabilities imposed upon them by law.

Power of mukaddams to recover certain expenses incurred.

143. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties.

Duties of patél

[2] [**143-A.** It shall be the duty of every patél, in addition to his duties as mukaddam,—

(*a*) to collect and pay into the Government treasury the land-revenue assessed on the survey-numbers or holdings of his village ;

(*b*) in respect of his village to report the abandonment of survey-numbers or holdings, the encroachment of raiyats on waste-land not included in their survey-numbers or holdings, and the non-payment of revenue or any facts which indicate that default will be made in the payment thereof ;

(*c*) to assist the [3] * * village-watchman of his village in the recovery of dues to which [4] (he is) entitled ;

(*d*) to prevent the unauthorized cutting of wood in Government forests included in or adjoining his village and to report any such unauthorized cutting in such forests.]

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[1] The words " Provincial Government " were substituted for the words " Chief Commissioner " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] Section 143-A was inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 28.

[3] The words " patwàri and " were omitted by the Repealing and Amending (Rates and Cesses) Act, 1907 (Central Act IV of 1907).

[4] These words were substituted for the words " they are " by *ibid.*

(Part IV.—Of Revenue—Administration. Chapter XI.—Village-officers and Patwaris.)

State Government may make rules as to patwàris.

144. The [1] [State Government] may make rules—

[2] [(*a*) providing for the appointment of patwáris in tracts where they have not been already appointed ;]

[3] [(*b*) regulating the manner in which patwáris are to be selected ; prescribing the conditions under which they may be appointed ; and fixing the limits of their circles and the nature, mode and amount of their remuneration ;

[3] (*c*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwári, when such persons are unable to act];

[4] (*d*) prescribing the fines which may be imposed on patwáris and their substitutes for neglect of their duty, and stating the circumstances under which they may be suspended or removed.

[5] * * * * * *

145. [*Rules by Chief Commissioner for guidance of Deputy Commissioner.*] *Rep. Central Act XVI of* 1889, *section* 30.

State Government may define duties of patwáris.

146. The [1] [State Government] may make rules prescribing the duties of patwáris—

(*a*) towards the Government ; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished ;

(*b*) towards the members of the village community.

[6] * * * * * * *

Patwáris' papers to be public documents.

All records and papers which patwàris are required to prepare or keep by any rule made by the [1] [State Government] under this section shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872, and to be the property of Government.

Central Act I of 1872.

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[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] Clause (*a*) was inserted by s. 29 (1) of the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889).

[3] These clauses were originally cls. (*a*) and (*b*) respectively. They were re-lettered as they now stand by s. 29 (2), of *ibid.*

[4] This clause was originally cl. (*c*). It was re-lettered as it now stands by s. 29 (2) of *ibid.*

[5] The proviso to s. 144 was repealed by *ibid.*

[6] The words "and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwáris may demand in respect of the performance of such duties" were repealed by *ibid*, s. 31.

146-A. [*Power to fix amount to be paid by proprietors, tenants and raiyats for patwàris.*] *Rep. by the Repealing and Amending* (*Rates and Cesses*) *Act*, 1907 (*Central Act IV of* 1907).

Patwáris to produce papers for inspection, and to allow copies to be made.

147. Patwáris shall produce at all reasonable times for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep, and shall allow such persons to make copies of such records and papers.

Power to make rules regarding village-watchmen.

[1] **147-A.** The [2](State Government) may make rules regarding village-watchmen, and may in the rules—

(*a*) provide for and regulate their appointment, [3](punishment), suspension or removal, prescribing the number of village-watchmen who may hold office at one time in a single village, and providing for the appointment of a single village-watchman for two or more villages where such villages would be unable to support separate village-watchmen ;

(*b*) determine the character and amount of the remuneration which village-watchmen shall be entitled to demand from the members of the village community ;

(*c*) define the duties and the mode of supervision of village-watchmen.]

Existing officers confirmed.

148. All existing lambardárs, sub-lambardárs, mukaddams, [4][patwàris and village-watchmen] shall, unless the [2][State Government] in any specified case otherwise directs, be deemed to have been appointed under this Act.

Lambardárs' and other officers' dues recoverable as arrears.

149. Any sums which lambardárs, sub-lambardárs, mukaddams [5][and village watchmen] are entitled to recover or demand under this Chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government.

Holders of sír-land in Sambalpur to provide for remuneration of mukaddams.

150. In each village of the District of Sambalpúr all persons holding sír-land, other than mukaddams, are bound to provide for the due remuneration of the mukaddam of the village ; and the [2][State Government] may make rules for the enforcement of this obligation.

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[1] Section 147-A was inserted by The Central Provinces Land Revenue Act, 1889 (Central Act XVI of 1889), s. 33.

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] The word "punishment" was inserted by s. 10 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898).

[4] The words in square brackets were substituted for the words "and patwáris" by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 34.

[5] These words were substituted for the words "and patwáris" by the Central Provincial Land-revenue Act, 1889 (Central Act XVI of 1889), s. 35.

PART V.

CHAPTER XII.

MISCELLANEOUS.

Right to mines, quarries and fisheries.

151. Unless it is otherwise expressly provided in the records of a settlement or by the terms of a grant made [1][by the Government], the right to all mines, minerals, coals and quarries, and to all fisheries in navigable rivers * * * *[2] shall be deemed to belong [3][to the Government], and the [4][State Government] shall have all powers necessary for the proper enjoyment of such rights:

Provided that, whenever in the exercise by the [4][State Government] of the rights herein referred to over any land the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the [4][State Government] shall pay to such persons compensation for such infringement, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the [5]Land Acquisition Act, 1870.

Central Act X of 1870.

Exclusive jurisdiction of revenue authorities.

152. Except as otherwise hereinbefore provided,—

(*a*) no Civil Court shall entertain any suit instituted, or application made to obtain a decision or order on any matter which [6][* * *] the [7][State Government] or a Revenue or a Settlement-officer is, by this Act, empowered to determine or dispose of; and in particular

Matters excepted from jurisdiction of Civil Courts.

(*b*) no Civil Court shall exercise jurisdiction over any of the following matters:—

(1) any matters provided for in sections 40, 41, 42 and 89 as to waste lands:

(2) the claim of any person to have an assessment offered to, or sub-settlement made with, him:

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[1] The words "by the Crown" were substituted for the words "by the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[2] The words "and the right to extract sap from all palmyra and coconut trees" were repealed by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 36.

[3] The words "to the Crown" were substituted for the words "to Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[4] The words "Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[5] *See* now the Land Acquisition Act, 1894 (Central Act I of 1894).

[6] The words "the Governor-General in Council" were omitted by the Adaptation Order of 1937.

[7] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(3) the amount of revenue or rate to be assessed on any mahàl, share or portion of a mahàl under this or any other Act for the time being in force :

(4) questions as to the validity of any engagement with Government for the payment of land-revenue, or of any agreement entered into by superior or inferior proprietors in a settlement or sub-settlement :

(5) claims connected with or arising out of any process enforced on account of refusal to accept the assessment offered in a settlement or sub-settlement by the Settlement-officer or Deputy Commissioner :

(6) the amount of the allowance or rent fixed under section 61 or 62 :

(7) the re-distribution according to established custom, by a Settlement-officer, of land comprised in a mahàl :

(8) the formation of the record-of-rights, the preparation, signing or attestation of any of the documents contained therein, or the notification of settlement :

(9) any matters provided for or referred to in section 73, 74 or 130 as to lands held or claimed to be held free from revenue, except rights arising under any contract between the [1] [Government] and grantees of land :

(10) claims connected with, or arising out of, the collection of revenue, or any process enforced on account of an arrear of revenue, or on account of any sum which is under this or any other Act realizable as revenue :

(11) claims to set aside, on any ground other than fraud, sales for arrears of revenue :

(12) corrections of entries or revisions of records under sections 120, 121 and 122 :

(13)[2] question connected with or arising out of the exclusion of a proprietor from forest-land, and the direct management of such land under section 124-A :

(13-*a*)[2] the distribution of the land or allotment of the revenue of a mahàl by partition ; or the determination of the rent to be paid by a co-sharer for land held by him after the partition in the mahàl or the patti of another co-sharer :

(14) claims to the office of patwàri, lambardàr, sub-lambardàr, [mukaddam, patél or village watchman,] [3] or in respect of any injury caused by exclusion therefrom, or to compel the performance of the duties thereof :

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[1] The word " Crown " was substituted for the words " Government of India " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

[2] Clauses (13) and (13-*a*) were substituted for the original cl. (13) by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 37.

[3] These words were substituted for the words " or mukaddam " by *ibid*, s. 38.

(15) claims to compel the performance of any duties imposed by this Act on any Revenue or Settlement-officer.

In all the above cases jurisdiction shall rest with the Revenue-authorities only.

For what village-cesses suit lies.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village cess which has not been sanctioned by the [1][State Government] and also either recorded at a settlement or under section 132, clause (*h*).

Limitation of claims for compensation in case of waste land demarcated as property of Government.

154. Whenever, at any settlement made before this Act comes into force, waste lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation.

Restriction of Revenue and Settlement-officers trading and holding land.

155. No Revenue or Settlement-officer, and no person employed in any Revenue or Settlement-office, shall, except with the express permission of the [1][State Government],—

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for either in person or by agent in his own name or in that of another or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The [1][State Government] may delegate to Commissioners of Divisions or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class of officers.

Central Act X of 1866.

Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1866[2].

When mahàl managed or farmed, or upon proclamation under section 98 or 103, rent payable to Deputy Commissioner. Payment to proprietor in anticipation of due date.

156. When any mahàl is managed or let in farm under section 57 or 58, or when either of the proclamations mentioned in sections 98 and 103 has been made, all sums due to the proprietor in respect of the mahàl, share or land mentioned in any of the said sections, shall be payable only to the Deputy Commissioner or Settlement-officer, his agent or lessee and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner or Settlement-officer, be credited to the

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] *See* now the Indian Companies Act, 1913 (Central Act VII of 1913), which came into force on 1st April 1914.

person making the same in account with the Deputy Commissioner or Settlement-officer, his agent or lessee.

Recovery of balances due by farmers.

157. When any land has been let in farm under the provisions of this Act, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of miscellaneous revenue.

[1] [**157-A.** Rents, fees and royalties due to the Government for the use or occupation of land or water (whether the property of the Government or not) or on account of any products thereof, and all moneys falling due to the Government under any grant, lease or contract which provides that they shall be so recoverable, may be recovered under this Act in the same manner as an arrear of land-revenue.]

Recovery of revenue due when Act comes into force; and of money payable under Act.

158. All land-revenue due when this Act comes into force and all penalties or other moneys payable to, or recoverable by, an officer of Government under this Act, shall be recovered from the persons from whom they are due and from the sureties (if any) of such persons as if such land-revenue, penalties or moneys were an arrear of revenue payable directly to Government due under this Act by such persons and their sureties.

Past proceedings for collection of revenue legalized.

159. All proceedings taken before this Act comes into force for the collection of the land-revenue or the realization of arrears thereof shall be deemed to have been taken in accordance with law.

State Government may empower persons by name, or confer powers on classes.

160. In conferring powers under this Act, the [2] [State Government] may empower persons by name or classes of officials generally by their official titles.

State Government may vary or cancel orders.

161. The [2] [State Government] may vary or cancel any order conferring powers under this Act.

Penalty for failure to perform duty or abuse of authority by mukaddam or agent.

[3] [**161-A.** Any mukaddam or agent of a mukaddam who without reasonable excuse fails to perform any duty imposed on him by this Act or the rules made thereunder, or abuses any of the powers conferred upon him by this Act or any such

[1] Section 157-A was inserted by s. 11 of the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898).

[2] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] Sections 161-A and 161-B were inserted by the Central Provinces Land-revenue Act, 1889 (Central Act XVI of 1889), s. 39.

rule, shall be [1] [liable, on the order of a Deputy Commissioner, to a fine] which may extend to fifty rupees, and, in the case of a continuing failure, to a fine of ten rupees for each day during which the failure continues.]

Penalty for neglecting or disobeying orders of mukaddam or agent.

[2] [**161-B.** Any person who neglects or disobeys a reasonable order made by a mukaddam or agent of a mukuddam in pursuance of the duty imposed upon him by section 141, clause (*e*), shall be [1] [liable, on the order of a Deputy Commissioner, to a fine] which may extend to twenty rupees, and, if the neglect or disobedience is continued, shall also be liable to a fine of five rupees for each day during which the neglect or disobedience is continued.]

State Government may make rules and attach penalty to breach thereof.

162. The [3] [State Government] may [4] [* * *] make rules consistent with this Act for carrying out its provisions, and may attach to the breach of any such rule, or of any other rule made by [5] [it] under this Act, a penalty which may extend to two hundred rupees, or, when such breach is a continuing breach, to fifty rupees for each day during which such breach continues.

All powers to make rules conferred by this Act on the [3] [State Government] [6] [* * * * *] may be exercised from time to time as occasion requires.

No rule made by the [5] [State Government] under this Act shall take effect until it has been published in the [7] [Official Gazette].

All such rules, when so published, shall have the force of law.

SCHEDULE.

[ENACTMENTS REPEALED.]

Central Act XII of 1891.

Repealed by the Repealing and Amending Act, 1891 (*Central Act XII of* 1891).

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[1] These words were substituted for the words "punishable with fine" by the Central Provinces Land-revenue Act, 1898 (Central Act XII of 1898), s. 12.

[2] Sections 161-A and 161-B were inserted by the Central Provinces Land revenue Act, 1889 (Central Act XVI of 1889), s. 39.

[3] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[4] The words "with the previous sanction of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

[5] This word was substituted for the word "him" by the Adaptation Order of 1937.

[6] The words "shall be exercised subject to the control of the Governor-General in Council and" were omitted by the Adaptation Order of 1937.

[7] These words were substituted for the words "local official Gazette" by *ibid.*